

MEAD NOP – RAB MEETING
JUNE 9, 2005

BILL McFARLAND: -- formed Restoration Advisory Board associated with this problem and *that is the essence of the plan* (phonetic) Mead, Nebraska, outside of Mead, Nebraska. Again, the sign in sheets are there at the end of your table. I need you to sign those and pass them towards the center. In front in you, you have a number of handouts and you got some pens, pencils I believe and some 3x5 cards. You'll see we're going to be talking about some issues, some information, some technical slides on the March 2005 Groundwater Monitoring Program, as well as *Load Line 1, the State* his here they got a presentation they'll be giving. As well as we're going to have a question and answer period followed by talking about RAB business and then the journey and lessons-learned (inaudible) side bar. And discussions that could take place answering your questions afterwards.

The purpose of tonight's meeting is to basically go over project progress, information since the last RAB Meeting and that was held back in February, February 22. Also allow to hear from the various community members. Also joining us tonight is a Deputy District Engineer of Planning Programs and Project Management, Mr. Steve Iverson. I'll ask him to stand up and identify himself. Steve is the highest ranking civilian in our whole organization and he's here tonight to -- going to have to some one-on-one, making himself available afterwards for one-on-one discussions on any questions, comments or concerns you might have. And I would ask Steve; do you have some opening remarks? I'll try to share it with Steve.

STEVE IVERSON: It's good to be back in Mead. I was the Project Manager on the site going back from about '96 to 2000 and I used to make these jaunts every two months and have these meetings. I guess they were far less attended then they are now a-days. I'm starting to get involved again in the project. I guess mainly due to Melissa Konecky's (phonetic) letter on -- to our *management* (phonetic) Walfee (phonetic) but also have to your Congressional Members and as I look at that letter and from the tapes from previous RABs, certainly comes very clear to me that there are many issues that you have that we have not resolved. It would appear that there's a lack of responsiveness on our part and that we really are not doing a very good job of communicating. So, you know as I saw that I thought well maybe I need to go up there and get a better idea of what's going on. Really try to understand and hear from you personally. So, I would like to say this, as I go back and I look at what has been done on this site. I think that the Army Corps is committed to cleaning up this assignment and they are committed to address community concerns. Now it may not always appear that way but some of the things I think are worth pointing to. One if you look at just the sheer dollars that we spent on site. I mean they say it's a waste of money. Well we've spent over \$60 million dollars thus far on this project and there's probably 30-40 + million to go. We are committed to clean up the site.

MALE: \$40 million.

STEVE IVERSON: To use on this site. That's a significant amount of dollars to most of us. The second thing I'd like to point out is that there has been beneficial reuse of the treated water, things like life stock watering, irrigation and so on. And I think these being just a couple of examples of things that I think point to our commitment. I really -- and I would think those other things that they say are committed to cleaning up the site and addressing community concerns. So, I hope we don't loose site of those things. But for tonight, we do have an agenda we'd like to stick to so that we could get home and spend our free time with our families and so on. You know the other thing that we do, really want a positive exchange of information. Okay? A positive and professional exchange of information. We'll get much

1 further that way. So, you know if you don't feel comfortable getting up and asking a question,
2 there are note cards that might help some of you _____ (inaudible) ask or you can go ahead
3 and write it down and we'll respond to it. So, I look forward to tonight. I'm glad to see
4 everybody here and showing your interest in the community. Thanks –

5
6 BILL McFARLAND: Okay, thank you Steve. Okay, we also have from the
7 Nebraska Department of Environmental Quality, Mr. Mike Felix. Mike, where are you, OK.
8 That's part of the slide show. Mike will be presenting here in a little while. Also other members
9 of the RAB Advisory Board and if any of you are members out in the audience please feel free
10 to join us. Sit by your name tag. You're welcome to do so. For those of you that may be new
11 to the community or to these meetings, I would like to say that this really allows the agency an
12 opportunity to meet with the community members and discuss what's going on and get your
13 feedback. Before going further we have some other members here. Their names are listed on
14 the presentation as well as on some posters on the wall. And by the way there is a master sign-
15 in sheet on the back if any of the RAB Members are here we welcome you so we can update,
16 continue to update our files. We ask you to check off your name and put your telephone
17 number of the master copy. Before we go any further, other RAB Members here and Scott
18 Marcus is from the Environmental Protection Agency thank you for coming, you might know.

19
20 MALE: _____ (inaudible).

21
22 BILL McFARLAND: Yes. (inaudible) wit the Nebraska Army National Guard
23 _____ (inaudible) programs we're – Thank you sir. _____ (inaudible) angle (phonetic) or
24 _____ (inaudible) RB (phonetic).

25
26 Larry Angle: Larry Angle, Lower Platt NRD

27
28 BRUCE HALEY: And I'm Bruce Haley from the University of Nebraska. Thank
29 you very much.

30
31 BILL McFARLAND: Again we have a number of members posted in your
32 handouts about the community members and Melissa Konecky is your RAB Community Co-
33 Chair. Is Melissa here tonight? I don't see her.

34
35 MELISSA KONECKY: I'm here.

36
37 BILL McFARLAND: Oh there you are. I'm sorry. Just feel free to join us up
38 front. Should I say that you have _____ (inaudible) representative? Or _____ (inaudible)
39 have community members and we also have *another* (phonetic) organizations agencies
40 represented and myself as the Army Co-Chair. Alright.

41
42 FEMALE: You need to know that this is a very outdated list that you have for the
43 community as members is not current.

44
45 BILL McFARLAND: Thank you. We're trying to update that. That's why we
46 have a master back there and we're asking people to update that for us. That will help us.
47 Thank you. Exchange of information is the next slide. [Excuse me, sorry] In order to have a
48 productive, meaningful meeting tonight we have to have some ground rules. They are listed up
49 here and in your handout. First one being the participation, participation in any meeting is key
50 to a successful project and that's one of the reasons we have the RAB is to exchange
51 information, present technical information and obviously get people to set up members and

1 public's feedback. On the time limits, stick to the agenda. We are going to have a formal Q and
2 A, question and answer period on the agenda. There are pencils and cards, please take notes
3 on those and write your questions down. We will get to your question at that time. We will have
4 a microphone. That was asked for the last RAB Meeting to – some people couldn't hear. We
5 have a microphone and we will have someone put that microphone in front of you so you can
6 ask your question during that period. We ask that you limit to one question at a time so we can
7 give everybody a chance to speak. We're all adults here when it comes to personal respect
8 each other. We're all adults here and we're all working towards the same goal. As for the last
9 three bullets on here, we ask that you keep an open mind. I think Steve alluded to that when he
10 spoke a few minutes ago. And obviously we want to ensure equal participation.

11
12 LINDA WAGEMAN: Briefly. I – no – can't. I can appreciate the fact that you're
13 trying to structure the meeting so that we can get as much done as we possibly can in a short
14 amount of time. But please keep in mind that these individuals don't do this eight hours a day
15 five days a week like members of the Corps., the DEQ or the whatnot. They're not familiar with
16 the Power Point presentation and when a question arises in their mind regarding a specific
17 issue, by the time you get to the question and answer period it's going to be gone. This works
18 to a point but in meetings that I've attended where this structure that you're trying to put into
19 place has been executed, it doesn't work well for the masses. It worked great in a standard PM
20 meeting but when you're dealing with the public in regards to issues such as this, it's not going
21 to work well and I'm sorry but the questions need to be asked when those people have those
22 questions. Otherwise we're going to spend all this time going back to various slides in the
23 Power Point presentations and do exactly the opposite of what you're trying to achieve.

24
25 BILL McFARLAND: Thank you for that observation. That is valuable information
26 but again we do have a lot of information to present tonight, having a structure like this, as we
27 go through that, afford everyone in the room the opportunity to hear the information and again
28 we are asking you take notes and your questions, jot them down and we will take those
29 questions during the Q and A period. Thank you.

30
31 LYNN MOORER: Mr. McFarland. Just to remind you, RAB Guidance says that
32 the full reason for a RAB Meeting is for meaningful exchange of information. It's not everybody
33 sit quietly with hands folded and wait until you dare (phonetic) to say, okay now you can speak.
34 That's not exchange of information. So, whatever basis you're using to try to impose unilateral
35 ground rules is not the within RAB Guidance. And in addition to what Ms. Wagman said, it
36 really truly is counter productive.

37
38 BILL McFARLAND: Okay. Thank you for that. Again, we do have a lot of
39 information present to everyone here tonight and we would ask your patience and
40 understanding and write your notes down. Your questions we will get to them in the allotted
41 time as to afford the people here that have gone to a lot of trouble to present information and
42 want to present it to the masses. So thank you for that.

43 Okay. The purpose of the RAB is, afford an opportunity for the community and
44 its representatives for your government team. Again, we have _____ (inaudible) RAB
45 members seated up here and their names are posted on the wall and they are giving a Power
46 Point presentation and if they are outdated we do have a master list on the back and we would
47 like to update that so to keep our records up to date.

48 Recent RABs. The rest of the RAB Meetings have been a great turn out and we
49 want to welcome you tonight and thank you for your participation on the past RABs and on
50 tonight's RAB. The last two bullets about the responsiveness and develop a better
51 communication. Steve touched upon this in his presentation and for part of your handouts

1 tonight there is a recent Congressional letter that your RAB Co-Chair wrote and our responses
2 to that. And if you review that if you've not seen it, it talks a lot about what Steve talked about
3 and that's our communication, our responsiveness to each of you. I can tell you that we are
4 doing our best. We feel we are doing our best. Obviously there's always room for improvement
5 but this improvement requires two-way communication and we certainly solicit your feedback.
6 But we are committed to improvement on this overall process. At this point and time I'm going
7 to hand the microphone over to Jason Leibbert and we'll go some technical slides. Again, I
8 would ask you all to hold your questions. Jot them down and we will get to them in our allotted
9 time.

10
11 LINDA WAGEMAN: Mr. McFarland, I think that Ms. Konecky should have the
12 opportunity to just speak briefly about the major of her complaint. You communicated to her
13 that she would be able to do that. She's prepared a brief outline of information to explain the
14 nature of her complaints. So I think it's an appropriate time for you to allow her to do that as you
15 promised. Go ahead. Stand up.

16
17 BILL McFARLAND: That's only fair. Yes ma'am.

18
19 MELISSA KONECKY: I just wanted to say that –

20
21 BILL McFARLAND: Can everyone hear her?

22
23 MALE: No.

24
25 FEMALE: Take your time.

26
27 BILL McFARLAND: Please come to the center.

28
29 MELISSA KONECKY: I just wanted to say that there is some significant
30 discrepancies in the budget figures that we have. And also the other thing that I think is
31 troubling a lot of people is the fact that when we set aside time for the question and answer
32 period after the formal meeting, everybody isn't going to get all the information that they need
33 and so, you know, it would better if we can all ask our questions and have them answered in an
34 open forum as opposed to, you know, people asking questions here and there and then the
35 others never getting the answers. Another thing I wanted to complain about was in the last
36 meeting when the proposed RAB Rules were introduced, the new RAB Rules, the *play*
37 (phonetic) at the address and the phone number or our website or whatever was put up on the
38 screen was only up there for about – I mean not even 20 seconds. So I mean it was just nearly
39 impossible for anybody if they wanted to respond they couldn't. And one more thing, I think I
40 heard recently that that – I know groundwater monitoring report from 2003, is that in the
41 repository yet or not? I know the last time I looked it wasn't. And I think somebody had said
42 that it was supposed to be in there within a few days and I mean I know it's been at least a
43 month or more. But it hasn't been in. Does anyone know?

44
45 FEMALE: Ms. Tillman that was an explicit promise you made to Dave
46 McReynolds. So have you got the groundwater monitoring report from 2003 into the repository
47 as you promised them?

48
49 NATALAE TILLMAN: No we have not and _____(inaudible) said we have to
50 get an agreement with regulators on 2003 and 2004 report, but we don't have that as of yet.
51

1 FEMALE: Alright. So why did you promise that it would be there in a few days?
2
3 NATALAE TILLMAN: I believe I told Mr. McReynolds _____ (inaudible)
4 check into but it was not going to be able to be there.
5
6 FEMALE: Did she tell you that Dave?
7
8 NATALAE TILLMAN: Ah huh (phonetic).
9
10 DAVE McREYNOLDS: I don't remember that. You said the only – the excuse
11 you gave me that Scott Marcus said something wasn't right. That we would get that corrected
12 very quick because that was clear back in 2003 and the records we wanted. You said 2004
13 would take a lot longer than the 2004 records up to the Mead Library. And 2003 you said you'd
14 look into it and you'd have by the RAB.
15
16 NATALAE TILLMAN: I don't believe I said that Mr. McReynolds but they should
17 be in there, and we would like to get it in the record as well. But we wanted resolve technical
18 issues before we do that.
19
20 DAVE McREYNOLDS: How long does that take?
21
22 NATALAE TILLMAN: We may have to defer top the Regulators.
23
24 DAVE McREYNOLDS: You're kidding?
25
26 FEMALE: May I ask what that technical issue is.
27
28 MALE: It's in the progress. I don't know the exact. It's on our plate (phonetic)
29 right now.
30
31 MALE: The 2003 report is on our plate right now. It's in progress right now. But
32 I don't recall off the top of my head when it's going to be available.
33
34 FEMALE: May I ask another question?
35
36 MALE: No.
37
38 FEMALE: _____ (inaudible).
39
40 MALE: Answer her question please.
41
42 MALE: I don't recall off the top of my head because there were a number of
43 copies in that report that are in the process of being resolved.
44
45 LYNN MOORER: Well that's interesting because there's something called the
46 Draft Final 2003 Groundwater Monitoring Report up at DEQ that has responses to all EPA's
47 comments and it says this is the final one. So what technical issues are there that you haven't
48 told DEQ about?
49
50 BILL McFARLAND: The best we can do is follow-up on that. We don't the
51 answer for you tonight. We'll take that as an action item and we'll get that out within two weeks

1 from tonight. We will get you an answer. We will report back to Ms. Konecky. We have your
2 old number.

3
4 MALE: We will find out what the hold up is.

5
6 LINDA WAGEMAN: Now is this – this is like request 201 now.

7
8 MALE: Two weeks.

9
10 LINDA WAGEMAN: I mean you got about 200 questions outstanding. A backlog
11 that you've promised and you haven't, still haven't answered.

12
13 MALE: We will find out and then we will get an answer within two weeks or less.

14
15 LINDA WAGEMAN: How about just getting the report into the Repository as you
16 promised? How about that?

17
18 MALE: Again, I have to go back and check. I don't – Jason – you don't have the
19 answer to that.

20
21 MELISSA KONECKY: I guess the last thing that I wanted to mention that is –
22 like maybe the most important thing is that, I know that there are 25 people who requested their
23 wells tested since the last meeting and were refused and, you know, I mean, really that is vitally
24 important. It's much more important than spending money on the survey and, you know, trying
25 to change the RAB Rules and everything. So, anyway, I just wanted to bring that up about the
26 well testing because it's a big deal. So anyway.

27
28 LYNN MOORER: This is a prime example of the community communicating with
29 you as to what they want. Alright, you say you want to communicate with the community, you
30 told us last meeting "tell us what needs to be tested. Tell us the wells that you've missed."
31 Remember? Everybody remember they said that explicitly?

32
33 FEMALE: I remember.

34
35 FEMALE: Tell us. Okay? So you heard from a whole raft of people who take
36 the trouble to communicate with you very explicitly and you have said nope, we're not going to
37 test your wells.

38
39 BILL McFARLAND: Those folks that *didn't* (phonetic) put in a request. We
40 evaluate each one of those. And the ones that were outside of the One Mile Buffer Zone we're
41 not going to test. We notified, in writing and we were timely about that. We explained in our
42 rationale for not doing this.

43
44 LYNN MOORER: Notwithstanding the fact that DEQ asked you to expand that
45 One Mile Buffer Zone. Once – at least – I think it was about a month ago, maybe six weeks
46 ago, Melissa Kemling specifically said that One Mile Buffer should have been expanded when
47 you found those hits in November and the latest in February.

48
49 BILL McFARLAND: And thank you for your concern. Please hold that for now.
50 We've got a lot of information to present. We will address your concern when we get to the Q
51 and A. I'm going to turn this over to Jason and let him go through his technical information.

1 JASON LEIBBERT: A lot of information from the March 2005 _____
2 (inaudible) that we're going to try and cover tonight. And we're going to try and break it down
3 into smaller chunks because there's a lot of information. So, I first want to look at – this is the
4 area around MW85. This is the one result that was kind of crucial back in December and 85 in
5 the middle. And that these are all the surrounding wells that were in the vicinity of that MW85.
6 In December MW85 had results of ten parts per billion of *RDX*. That was the first time that well
7 had been sampled and those are the results. In December of 2004 all of these other green
8 wells were below action level of *RDX*. And then we sampled all these wells again in March.
9 Now in March the result for MW85 was below the action level.

10
11
12 LYNN MOORER: What was it?

13
14 JASON LEIBBERT: All these green wells – actually it's on the handout that are
15 sitting there. There's a spreadsheet that has data results.

16
17 LYNN MOORER: Okay.

18
19 JASON LEIBBERT: And it's listed by _____ (inaudible). So again in March of
20 2005 all these green wells were sampled again and all found to be below action levels once
21 more. The red triangles are the extraction levels. These are wells that we use to pump the
22 contaminated groundwater up from the aquifer so we can treat it. The triangles that are red
23 consistently have contaminate levels above the action level. So that's an indication that the
24 contaminant system is working. We're actually extracting contaminated groundwater where it's
25 supposed to be and grabbing that to our treatment system. Again, all these green wells were
26 below action level in December and then again in March. So those are some of the most
27 important results from March GMP event. The GMP includes sampling all these wells again
28 every quarter for the rest of this year. So the remainder of 2005 we're going to be sampling
29 again each quarter so that we can monitor the situation and determine if that unusual result
30 comes back or not.

31 Another component of March of 2005 GMP was the surface water sampling that
32 was conducted on Johnson Creek, Clear Creek and also Silver Creek. I know the large scale
33 maps don't show up very well on the screen but there also up here on the wall and this one here
34 on the end is Silver Creek. _____ (inaudible) not all of the location by Silver Creek sampled
35 in March, three of the locations were sampled and they were all found to be below action level.
36 And then the rest of the surface water sampling is on this figure. And this figure is basically the
37 same as what's on the screen except here are the results were actually posted here in these
38 text boxes. Gray boxes actually have the results. Most of the results were below action level
39 but there were a few exceedances in December and again in March of 2005. So that is
40 something that we'll continue to sample again for the remainder of 2005. Those will be sampled
41 every quarter. So we can monitor the situation there.

42
43 [A few female voices all at once – inaudible]

44
45 JASON LEIBBERT: I would have to go look at them. I don't remember which
46 location but the locations and the results are on the handout that says Spreadsheet with All the
47 Data Results. And then if you bring that up to the map you can see, you know surface water
48 location 009 has a well at such and such. I just don't know off the top of my head.

49
50 LYNN MOORER : You didn't sample all the surface water, ones that had hits
51 last November. Why did you not do that? Like SW3, SW7, SW13 the acetone?

1
2 JASON LEIBBERT: The results from March are on this figure here.

3
4 LYNN MOORER: I'm not asking the results. We know that you didn't sample
5 them. The question is why didn't you sample them?

6
7 JASON LEIBBERT: These were the samples that were collected from Johnson,
8 *Clear Creek* in March of 2005. And these are the results here.

9
10 LYNN MOORER: That's not responsive to my question.

11
12 BILL McFARLAND: Can you hold your questions and allow him to get through
13 the presentation?

14
15 LYNN MOORER: No. Just go ahead and answer it now. I mean you got a mark
16 there. You've got this thing right off. Can you explain to us why you didn't sample them in
17 March?

18
19 MALE: Not every location was sampled in March, a select few.

20
21 LYNN MOORER: Question is why.

22
23 JASON LEIBBERT: Some of them are, more technically justified to sample than
24 others. We went back to the ones that made the most sense to sample again.

25
26 LYNN MOORER: Now the DEQ has asked you to sample them.

27
28 JASON LEIBBERT: Well –

29
30 LYNN MOORER: Wanted to know why you didn't.

31
32 JASON LEIBBERT: We'll have to follow-up on that one.

33
34 LYNN MOORER: So you can give us shuck and jive but you'll actually have to
35 give DEQ an answer.

36
37 JASON LEIBBERT: Yes.

38
39 LYNN MOORER: Yeah but you can give us BS.

40
41 Linda Wagman: What about the other COCs? I mean you talked about TCE and
42 RDX. And I noticed in the 2002 *Groundwater* report and the way you phrase things. TCE and
43 RDX even though they're two of seven, if they're not there than the other five box miraculously
44 aren't there. What about all those? The other box? All that other yucky stuff that were – was
45 back in there back in 1997. Did you test for all those and the metals and all of that stuff?

46
47 JASON LEIBBERT: There are seven contaminants of concern defined in the
48 ROD and every time we do a sampling then we analyze all seven of those components. TCE
49 and RDX are the most prevalent and the most widespread contaminant at this site. And when
50 we report results for *TCE* and *RDX* we don't necessarily report all the other contaminants of

1 concern because they were low action levels. They very rarely, if ever, show up above action
2 levels.

3
4 LINDA WAGEMAN: But you could have two as an actual level and detect at 1.8
5 and if you have an action levels that's listed at two that action level is based on standard healthy
6 adults. And standard healthy adults don't play in the streams. My eight year old son plays in
7 the stream. And so when I'm looking at Johnson Creek and I'm looking at Silver Creek, you
8 know and Clear Creek and whatnot, particularly Johnson, this is why I'm so concerned is
9 because last summer I saw a man fishing with his three small boys right above the reservoir.
10 This really concerned me. This stuff is not data. It's more than data it's people.
11

12 JASON LEIBBERT: I could say that when we reports results in this manner that
13 those other contaminates of concern were not detected above action levels.

14
15 LINDA WAGEMAN: It's no wonder that DEQ issued a 401 Certificate based on
16 what I'm receiving right now. Jason this is silly.
17

18 BILL McFARLAND: Thank you for your concern. I would like to please continue
19 with the presentation. Please continue Jason.
20

21 DAVE McREYNOLDS: I got one quick question and we just went over 52A and
22 these. Why don't you have the recording of 50A and B in here because they've had it big time
23 for a long time since '93? Where's the latest recording on 50A and B? And that's south of 52A.
24

25 JASON LEIBBERT: 50A and B should be listed on the spreadsheet. That's one
26 of the handouts that's got the data results on it.
27

28 DAVE McREYNOLDS: Well just tell us. You know how much, how high they
29 are.
30

31 JASON LEIBBERT: No, I don't know those numbers off the top of the head. It
32 should be –
33

34 DAVE McREYNOLDS: Yeah we don't have them because we don't have '93
35 and '94.
36

37 JASON LEIBBERT: But it –
38

39 DAVE McREYNOLDS: And it's been high since '93.
40

41 LYNN MOORER: It's not on here.
42

43 FEMALE: I don't see them.
44

45 JASON LEIBBERT: It's not on there? Okay.
46

47 DAVE McREYNOLDS: A and B's been high. You ought to know that A and B's
48 been really high. Do you have any idea how high A and B have been?
49

1 JASON LEIBBERT: No, I don't have the data memorized.

2
3 MALE: Those _____ (inaudible) up there itself.

4
5 JASON LEIBBERT: So the level you're talking about is residential level and we
6 normally don't report individual wells/residential wells.

7
8 DAVE McREYNOLDS: Yeah, you said you could. You go by the number and
9 that's A and B. No reason you can't report. I live on a highway on County Road 6. I was one of
10 the 21 people that lived down and south of 85 within a mile and a half. Now we sent you the
11 deal. We want some information. What's A and B? The latest time you did it.

12
13 JASON LEIBBERT: I'll have to follow-up on that. I don't know the –

14
15 [Blank in audio]

16
17 LINDA WAGEMAN: -- promise you that. I'm tired of it and this is precisely why
18 I've escalated this issue to the Pentagon because you people are not answering my questions
19 and maybe you're Colonel Rossi will answer his superior. And maybe his superior will answer
20 because my information is also gone to the Super Fund Committee in Washington as well as
21 the Department of the Environment. I'm not getting answers. I'm going over your head. Get
22 with the program people because we're not playing and I'm not trying to be disrespectful but
23 what I don't appreciate is when I ask a very honest question and I have to wait 18 months for a
24 we'll get back to ya answer. That sir is disrespectful and it's not me to you. It's you to me.

25
26 BILL McFARLAND: Understood.

27
28 LINDA WAGEMAN: Great. Fix it.

29
30 BILL McFARLAND: I understand that.

31
32 [Applause in the audience]

33
34 BILL McFARLAND: We'll get on this question here and we will get you an
35 answer and we will get back through Melissa and get you an answer Sir –

36
37 DAVE McREYNOLDS: That's not going to work. You know, you were
38 concerned with 85 out there and it's out of the plume so we – it can be right on down from
39 Highway 6 where 50A and 50B wells are and it could be coming right down 6th and nobody
40 knows how far south it is.

41
42 LINDA WAGEMAN: And we also know different times of the day, different
43 sampling events different results. We've followed these things since '93 because we *read*
44 (phonetic) the reports. We know what wells are monitoring. We know what wells are not
45 monitoring. We know what you're monitoring for. We know what's listed. We know what's not
46 listed and we want answers as to why.

47
48 BILL McFARLAND: We have the information. Jason said he doesn't have it off
49 the top of the head. I certainly don't have. We take that as an action item. Again that's on our
50 list to go get you _____ (inaudible). And we'll provide it through Ms. Konecky within two
51 weeks.

1
2 LINDA WAGEMAN: So monitoring well 85 was the topic of this RAB. You do not
3 have enough information to respond to a layman's question?
4

5 BILL McFARLAND: No ma'am I don't believe that's what I said. I think these
6 gentlemen here tried to think I'm wrong sir. You were referring to other wells. Was it 93? Did I
7 hear you correctly sir? It was an A & B 93A and B?
8

9 DAVE McREYNOLDS: 50A and B and they're within 3/4ths of a mile of 85. So I
10 think you have that on the top of your head.
11

12 BILL McFARLAND: No sir I do not. Neither does Jason. But we will take that as
13 an action item and we'll respond within two weeks from tonight.
14

15 LINDA WAGEMAN: So given the fact that 85 had a hit that was way above two
16 even though – yeah five. Yeah, just above two. And you've got this One Mile radius – you
17 know this One Mile Plume Zone, which I don't even know why that exists. I guess you have to
18 start somewhere. I want to know why the DEQ is not forcing the Corps to extend their testing.
19 This is not your question. This is his.
20

21 BILL McFARLAND: But again, we are trying to stay per format. Please hold that
22 question.
23

24 LINDA WAGEMAN: I'm not going to ask. No.
25

26 BILL McFARLAND: Mike is going to state ma'am and we will address your
27 questions. Please, let's let Jason finish his technical presentation. We've noted this
28 gentleman's question. We've noted yours and we will get an answer. And please during the Q
29 and A Mike will make himself available to answer your questions. But please let's get back to
30 the technical presentation for the benefit of the group.
31

32 FEMALE: My questions in the back _____ (inaudible) room whether
33 someone, which you guys _____ (inaudible) have that question answered.
34

35 MALE: I'd like to hear the whole thing before you guys get involved in MUD
36 because I'm here for the RAB and not MUD.
37

38 FEMALE: This isn't *MUD* (phonetic).
39

40 FEMALE: This has to do with everybody –
41

42 MALE: So, I'd like hear everything. Write my questions down and then _____
43 (inaudible). Is that's possible?
44

45 LINDA WAGEMAN: What about everyone else?
46

47 MALE: _____.
48

49 JASON LEIBBERT: Listen to the results from the _____ (inaudible) or from the
50 March 2005 GMP. I want them to spend too much time talking about the construction project at
51 Load Line 1. If you've been to these meetings before you know Load *Line 1* is this part of the

1 *site here* and the plan is just for two years extraction wells to be installed here at the leading
2 edge of the plume here. Those two extraction wells will be plumed into a new stand alone
3 treatment building and inside that treatment building will be an air stripper to treat the
4 contaminated groundwater.

5 We talked about this in February but I'll mention it again here tonight. The air
6 stripper emissions will be treated prior to discharge to the atmosphere. It was an issue that
7 came up in previous RAB Meetings. And that was a change that was made from the original
8 design from November. So again, we talked about this in February. It's not exactly new
9 information but I wanted to mention that again this time.

10 This construction project was scheduled to be started this summer. This is just to
11 have a brief overview of the schedule. Initial site work has already started. ECC has already
12 performed site surveys and they're already started ordering matters and some other preliminary
13 preparations. Well drilling will start in June, this month. June for the two new extraction wells.
14 Additional monitoring wells in the vicinity of those two. And then other observation wells that are
15 part of the operations treatment.

16 First construction wells will be pumped tested later this summer. The building
17 erection will start around September. And then the system will go through starting up testing.
18 That's where they make sure that everything is fully operational and functioning properly. And it
19 looks – right now the schedule indicates that full scale operations will start in March. And the
20 final site restoration is sod and fencing and any of those last minute details. So the whole
21 project should be completed around April of next year.

22
23 LYNN MOORER: So you're saying – when you say operations start that means
24 air stripper?

25
26 JASON LEIBBERT: Yes. That means the system should be –

27
28 LYNN MOORER: The whole thing?

29
30 JASON LEIBBERT: -- fully functional and fully operational by that time.

31
32 BILL McFARLAND: Thank you Jason. Our next presenter tonight is Mr. Mike
33 Felix with the NDEQ.

34
35 MIKE FELIX: Okay as Bill said my name is Mike Felix. I'm the Section
36 Supervisor with the Remediation Section. I work for Nebraska Department of Environmental
37 Quality. And tonight I'm going to give you an update of our activities associated with the Mead
38 Site. I'll start off and just give you a summary of what I'm going to talk about. First of all I'm
39 going to update you on activities that our section has performed and I'll go over some historical
40 information, things that we've done over the last year. And in addition I'll talk about some air
41 qualities issues, specifically some issues that have come up with the November RAB meeting
42 where most of them talked about the 401 Certification and Well field permit for MUD. And then
43 at the end I'll just briefly talk about our website and after that we will be available for questions
44 and answers.

45 Now with that said, I've got a lot of information I'd like to present. I'd ask that you
46 hold your questions. We have 15 slides. I've looked through them it will be about 16 minutes.
47 It would help out if the question and answer session. I have Brad Reed (phonetic) with an Air
48 Program. Terry Dickman (phonetic) for our Service Water Program. Also have Aradhna
49 Srivastav. We're all new. There's a new supervisor that _____ (inaudible).

50 First thing I'm going to talk about is remediation section activities and I'm going to
51 talk specifically related to *Private well sampling* approximately a year ago we requested that the

1 Corps. perform and update a residential well survey and sample wells within a one mile buffer
2 zone of the plumes. That sampling was done in the fall of 2004. The results indicated 37 wells
3 tested. Four had *detectable concentrations* of volatile organic compounds. Those
4 concentrations a little less than maximum contaminate levels and/or a health base levels.
5 Based on our review of the information and by Sue Dempsey a Risk Assessor with the
6 Nebraska Health and Human Services System that data indicated that the water didn't pose any
7 risk to human health. The Corps will continue to resample those wells within the 1-mile buffer
8 zone on an annual basis. However, we requested that the buffer zone be expanded. We also
9 requested that additional residential wells be included in that buffer zone and that's based off
10 the RDX-data at 85B. We've also requested formally sampling and monitoring the residential
11 wells. This is going to be a _____ (inaudible).

12 Next thing I want to talk about is surface water sampling. Again about the same
13 time a year ago and we requested the Corps do service water sampling in Silver Creek,
14 Johnson Creek and Clear Creek. That sampling was performed in the fall of 2004 and March of
15 2005. The results that I'm presenting are based off the expedited data package that we
16 received from the Corps and those results indicated that RDX, TCE and some other COCs were
17 detected in Johnson Creek at both sampling events. HMX was detected in the March sampling
18 event only. In Clear Creek TCE and other VOCs were detected in both sampling events and the
19 last bowl (phonetic) and clarify based off of the expedited of a package. There was no data on
20 Silver Creek so we assume there was no detections. We looked back on that last map _____
21 (inaudible). There is a detection of RDX. In Silver Creek and I think Jason indicated it's below
22 the action level.

23
24 FEMALE: What is HMX?

25
26 MIKE FELIX: It's an explosive compound. Our review of that surface water
27 sampling data for Johnson Creek and Clear Creek the concentrations of TCE and the other
28 VOCs are less than or title 117 surface water standards. Those are standards for aquatic life.
29 RDX and HMX don't have promulgated surface water quality standards (inaudible). Based off
30 of these sampling results we think it's important that quarterly sampling be continued in all three
31 surface water bodies not only in 2005 but beyond. And we've also asked that additional
32 sampling be performed in Johnson Creek and the vicinity of MW85.

33
34 LYNN MOORER: Okay just to make sure we heard you right. You said all three
35 creeks quarterly sampling _____ (inaudible)?

36
37 MIKE FELIX: Yes. Yep.

38
39 LYNN MOORER: Okay. So the bottom line just mentioned in Johnson. But
40 you're saying it's all three?

41
42 MIKE FELIX: The first part of that is we requested quarterly sampling surface
43 water that --

44
45 FEMALE: Methane _____ (inaudible).

46
47 MIKE FELIX: -- _____ (inaudible) and it's all three creeks and then specifically
48 in the Johnson Creek and the vicinity of 85B.

49 Okay the next thing I want to talk about is some of the activities that the
50 remediation section has been involved with. Related to overall site management and the Site
51 Management Plan. We'll continue to participate in discussions on that development of that plan.

1 Early on we requested an installation and sampling of *Sentry* wells to the south providing those
2 extraction wells. Some of those wells are in. There's a few of the wells specifically south of
3 *Load Line One* near Silver Creek and then wells that are on the east south of *Load Line Four* that
4 haven't been installed yet. My understanding is that the Corps is working through some access
5 issues with the land owners. We've also reviewed and commented on the *Load Line 1* remedial
6 design and will be watching on this. And the issue with _____ (inaudible). *added* (phonetic)
7 on the groundwater monitoring plan. A lot of our comments have talked about on the private
8 well sampling and the surface water sampling and comments that were generated when we
9 reviewed the groundwater *monitoring plan*. We'll continue to talk with Corps about their
10 responses to our comments on the Corp's groundwater modeling for the Mead Site and also the
11 need for an Containment Evaluation Plan. Our understanding is that the revised groundwater
12 modeling for the Mead Site and the Containment Evaluation Plan will be submitted for our
13 review this December.

14
15 LYNN MOORER: This is submitted by who did you say?

16
17 MIKE FELIX: Kansas City District.

18
19 LYNN MOORER: The Containment Evaluation Plan is for the Corps?

20
21 MIKE FELIX: Right.

22
23 LYNN MOORER: Okay.

24
25 MIKE FELIX: We've also requested additional monitoring wells along the
26 eastern edge of *Load Line four* and additional monitoring of MW 55. But I know that 55 hasn't
27 been sampled for a several years. And we think it's important that we get -- start getting some
28 data some initial MUD baseline data before MUD will start using their well Field.

29 We've also asked for some additional site-wide pump delineation activities.
30 Those activities will consist of additional work in the vicinity of MW85B and the surface water
31 detections in Johnson Creek. They're also related to locating for groundwater circulation wells.
32 We want to locate those wells and hot spots or high concentrated areas of the plume. We also
33 want to see if there's a potential for any dense non- aqueous phase liquid or *free product*
34 (phonetic). So that's a summary of the activities that the remediation section has performed.

35 Also wanted to talk about some air quality issues that have come up. There's one
36 question we had from the November RAB Meeting, whether a *mass balance equation* there was
37 an appropriate method of calculating emissions from the air stripper. Talking with our Air
38 Program they've indicated that that's an appropriate method. And they've also indicated to us
39 that their calculations that the Corps did for the air stripper at the level their air quality
40 regulation's threshold or _____ (inaudible) tons per year. Although it is not required by the
41 Department. That the Corps has agreed to install a carbon treatment on the air stripper and
42 perform monthly monitoring of the emissions.

43 The next thing I want to talk about is the 401 Certification and the 404 Permit.
44 Some background, *NDEQ* (phonetic) issued the 401 Certification in December of 2002. What
45 that certification is it's a statement that the MUD Project will be in compliance with our service
46 for our quality standards of *title 117*. That certification is conditioned at _____
47 (inaudible). First one was to control erosion. The second one was to perform ----- *mitigation*

1 (phonetic). At the time we were working on that certification process we also drafted our letter
2 to the Omaha Corps of District on January 1999 letter. That letter had suggested comments on
3 the MUD model or groundwater unit from our agency reviewed. It also suggested that MUD
4 participate in our Well head _____ (inaudible) Program. The other discussions that we had related
5 to certification related to the contamination of the Mead Site. Based on those discussions our
6 determination was that the surface water and groundwater contamination associated with the
7 Mead Site is not applicable to the 401 Certification. We _____ (inaudible) and the
8 _____ (inaudible) MUD did not cause the contamination at the Mead site. They aren't
9 responsible for cleaning it up that the Army Corps of Engineers is. After we issued our 401
10 Certification the Omaha District typically incorporates that certification and the 404 Permit and
11 is responsible for enforcing all those conditions of that permit. I think we have a question of
12 what documents that the Department, while they were viewing, related to the 404 permit. And
13 again, the Omaha Corps District is responsible for imforcing the conditions, however we're
14 going to review and comment on the wetland's mitigation planning process. The *decided*
15 (phonetic) steps in that process. We looked at the MUD groundwater model. Again our purpose
16 for reviewing that is not for in compliance determination related to the 404 Permit. It's for
17 identifying actionsthat maybe retained by the Kansas City Corps District if the model indicates
18 that there were maybe impact. We're going ask the Kansas City District to do additional
19 monitoring but in additional extraction wells or whatever it takes to control that erosion.

20 We also reviewed any groundwater *monitoring* (phonetic) plans that MUD comes
21 up with. The purpose of that will be to coordinate any additional monitoring and _____
22 (inaudible) that the Kansas City District will need to perform.

23 And then the last two bullets will _____ (inaudible) MUD going to
24 perform a _____ (inaudible) assessment. The way to our request to voluntarily participate in
25 our well head protection program. Again I want to stress that's a voluntary program and you're
26 not required to do that.

27 Real quickly, we've been working on a website to provide information on our
28 activities and then a lot of the data that's selected on the Mead Site. A lot of what I presented
29 tonight will be on there. They'll be able to get a more detail on the website. We hope to have
30 that up and running by the end of this month and that's our website address.

31 And I'd be happy to answer any questions that you have.

32
33 MELISSA KONECKY: I have a couple of questions.

34
35 LINDA WAGEMAN: Speak up Melissa.

36
37 MALE: Melissa _____ (inaudible).

38
39 MELISSA KONECKY: Oh thank you.

40
41 MALE: You're welcome.

42
43 MELISSA KONECKY: My first question is you mentioned that you're
44 requesting additional site wide plume delineation activities and that is for the Corp, the Kansas
45 City Corps to carry out. Is that right?

1 MIKE FELIX: Correct.

2

3 MELISSA KONECKY: Did they agree?

4

5 MIKE FELIX: I think that is an activity that's part of the Site Management Plan

6 that it's still being worked on. So I'm not sure that we have agreed _____ (inaudible) on that

7 _____ (inaudible).

8

9 BILL McFARLAND: Jason, that's part of the plan?

10

11 MALE: Part of the plans. Plan hasn't been finalized yet.

12

13 MIKE FELIX: That's correct. That's correct.

14

15 MALE: The GMP who _____ (inaudible).

16

17 LINDA WAGEMAN: Can't hear ya.

18

19 MALE: The GMP includes a lot of the portion of that kind of sampling. We

20 sample around the perimeter of the plume and also some interior monitoring. And we also have

21 plans for future year's again it's part of the Site Management Plan. We know we have to do

22 some more investigation work that we're on certain areas. And that's part of the plan for 2006

23 and beyond.

24

25 FEMALE: _____.

26

27 MELISSA KONECKY: That you _____ (inaudible) clean up work _____

28 (inaudible).

29

30 LINDA WAGEMAN: Push it down.

31

32 MELISSA KONECKY: Still in negotiations or whatever?

33

34 MALE: Well I think the point on doing the additional work around 85B is the

35 surface water detections. You know obviously we want to expand the buffer zone. We want to

36 do additional monitoring around there or additional monitoring of the surface water or _____

37 (inaudible) additional residential wells. As far as additional plume remediation I don't know if

38 that's going to be a later activity.

39

40 LYNN MOORER: So it's possible it could be years, if ever, that this ever

41 happens?

42

43 MIKE FELIX: I don't know.

44

45 SCOTT MARQUESS: I don't think that's the case. I think Mike had outlined

46 some general objectives that the monitors. I'm sorry.

1
2 LINDA WAGEMAN: Objectives are not necessarily the same as actions. We're
3 asking about actions here.
4

5 MALE: Well you have to have an objective before you take an action. So the
6 point is, is that – what Mike outlined there is several reasons to take samples and that those
7 samples will be taken. Part of the plan, first off, I think to – stop me when I go astray. Secondly,
8 to better define the plume to the east _____ (inaudible) relative to MUD ____ (inaudible) and
9 establishing a baseline. So that's part of the plan and one of the objectives. And I think that's
10 end of year? So that's something that has to happen sooner rather than later in order to have
11 baseline data prior to MUD operations.

12 Mike mentioned interior samplings relative to GCWs and source, abatement
13 source, addressing high levels of contamination from the interior of the plume. That's probably
14 what? More later rather than sooner relative to the MUD. I think there's been discussion of
15 additional sampling to the south relative to containment and understanding what's going on at
16 85B. I'll have a timetable on that one on off the top of my head. So I think that covers most of
17 the areas or places where you'd want to look and why you'd want to look. So they've had them
18 looked at. They're going to be – they're in the plan. I can't recite for you the plan off the top of
19 my head. I think that probably the most pressing two are the south _____ (inaudible)
20 containment and the east relative to MUD.
21

22 DAVE McREYNOLDS: This would be point to this because he mentioned 85.
23 You mentioned 85B Scott. If you look on here now 85A also has a 1.1. So it's there also. So
24 that's two levels of 85.
25

26 MALE: Right.
27

28 DAVE McREYNOLDS: So I mean – and you said that's in the near future
29 you're going to check around 85 the bigger area. Right, Mike?
30

31 MIKE FELIX: Yeah I think.
32

33 DAVE McREYNOLDS: Right away.
34

35 MIKE FELIX: We want to have additional, with more frequent sampling and
36 monitoring wells in that area. We'd like to see the buffer zone expanded. We'd like to see
37 additional private wells sampled. We'd like to see the surface water sampling done.
38

39 LYNN MOORER: How long are you going to wait before you force them to do
40 this? All these things that you say you want.
41

42 MIKE FELIX: Don't know.
43

44 DAVE McREYNOLDS: Because you guys are working for Nebraska. That's the
45 first thing on your deal; it says Nebraska DEQ, Nebraska.
46

1 MIKE FELIX: I'm with – *a native of* (phonetic) Nebraska. I'll continue to work
2 with the Corps Should have work accomplished.

3
4 DAVE McREYNOLDS: We appreciate that Mike.

5
6 MIKE FELIX: Okay.

7
8 FEMALE: We'd like for you to use a little more elbow grease.

9
10 MELISSA KONECKY: You had mentioned wetland's mitigation and were you
11 or somewhat aware of the fact that there was a letter that came from the EPA they said that in
12 effect there probably won't be enough water left to do that wetland mitigation? I think Mr.
13 Taylor might have been the one.

14
15 MALE: Are you familiar with? _____ (inaudible).

16
17 FEMALE: I couldn't understand the question because the microphone moved.

18
19 MELISSA KONECKY: Oh, maybe I'll just try not to use it. As far as the
20 wetland's mitigation goes. There was a letter from someone I think named Mr. Taylor from the
21 EPA from a Department of the EPA saying it's doubtful whether the wetland's remediation can
22 be carried out because there's not going to be enough water left.

23
24 FEMALE: I haven't seen that letter.

25
26 MELISSA KONECKY: Because of the _____ (inaudible)

27
28 FEMALE: _____.

29
30 LINDA WAGEMAN: We passed it out of there today.

31
32 FEMALE: How long ago did that come out?

33
34 FEMALE: May 20th, excuse me, March 24th. This is Thomas D. Taylor to
35 Rodney Swartz and it was copied to DEQ.

36
37 MELISSA KONECKY: Was that 402 permit?

38
39 FEMALE: Are you familiar with that letter?

40
41 FEMALE: I probably read it – I just didn't memorize every single sheet of paper
42 _____ (inaudible).

43
44 MALE: _____ (inaudible) question?

1 MELISSA KONECKY: Was the 401 permit contingent on the wetland's
2 mitigation?

3
4 FEMALE: Yes.

5
6 MELISSA KONECKY: I mean – oh it was?

7
8 FEMALE: Yes.

9
10 MELISSA KONECKY: So --

11
12 FEMALE: _____ (inaudible).

13
14
15 FEMALE: No, go ahead.

16
17 FEMALE: Well the 401 letter requires mitigation and now we're in the process
18 they're coming up with plans for that mitigation. We'll review that and decide whether it will
19 work or not or it's acceptable. We're still in the process of – we're still in the process of
20 developing mitigation plan.

21
22 MALE: What if it's not acceptable?

23
24 FEMALE: Then we have to go back to the drawing board.

25
26 MELISSA KONECKY: Because?

27
28 MALE: Even the permit and then?

29
30 LINDA WAGEMAN: Have them work it out later. That's not what I read in
31 regards to the Corps _____ (inaudible) 401 Certification _____ (inaudible).

32
33 FEMALE: See, you're – they're doing it backwards.

34
35 MELISSA KONECKY: Because that letter said basically in a nutshell that there
36 isn't going to be enough water to do the mitigation. So, I mean –

37
38 FEMALE: Well that's one person's opinion. He's not a hydrologist.

39
40 MELISSA KONECKY: Mr. Taylor isn't a hydrologist?

41
42 FEMALE: Mr. Taylor is a wildlife expert _____ (inaudible).

43
44 FEMALE: You don't agree with _____ (inaudible) conclusion?

45
46 FEMALE: I don't know the answer to that.

1
2 FEMALE: Somebody ought to know.
3

4 FEMALE: Who brought the question up?
5

6 LINDA WAGEMAN: Why doesn't the DEQ – why can't the DEQ respond to a
7 very important document that the EPA forwarded off to the DEQ in regards to our wetlands
8 which are directly pertinent to your 401 Certification? I find this unusual at best. Mike?
9

10 FEMALE: So they _____ (inaudible).
11

12 FEMALE: Oh I know.
13

14 MELISSA KONECKY: We don't get it.
15

16 FEMALE: It's not a job request for our papers.
17

18 FEMALE: The problem is on hydrology – the job of the MUD consultants _____
19 (inaudible).
20

21 LYNN MOORER: Okay. Well here's a specific question that we'd like to have
22 an answer to. What is DEQ's (phonetic) view of the comments in this letter? I mean we want to
23 know do you agree/disagree.
24

25 MELISSA KONECKY: And what intends to be done?
26

27 LYNN MOORER: Yeah what can be done? These are very serious concerns.
28 Three page letter to us.
29

30 LINDA WAGEMAN: Do you just read it and shove it in a file never to touch it
31 again?
32

33 FEMALE: it is not our job to respond to it?
34

35 LYNN MOORER : _____ (inaudible) we're asking you on behalf of the public,
36 would you please give us an answer. Give us an answer in writing. I mean you know if you're
37 not familiar with the letter give us an answer in writing that goes through and explains whether
38 you agree or disagree with the major points of this letter.
39

40 MELISSA KONECKY: And what could be done about it?
41

42 MALE: _____ (inaudible) Commissioner _____ (inaudible)
43 respond _____.
44

45 FEMALE: It's not typically done in the _____ (inaudible) practice. It's very
46 unusual because it's not addressed to us in the first place. Right?

1
2 LYNN MOORER: You're copied. John Bender was copied on record.

3
4 FEMALE: Who was the letter addressed to?

5
6 LYNN MOORER: To Rodney Swartz.

7
8 FEMALE: Okay then it's Rodney's job to come up with an answer.

9
10 LINDA WAGEMAN: No.

11
12 SCOTT MARQUESS: I'll check with Tom and we get some satisfied for
13 _____ (inaudible).

14
15 FEMALE: Well we appreciate whatever you might add from EPA but we're here
16 Nebraska citizens looking to DEQ and have an assessment of the validity or invalidity or
17 neutrality of these particular issues. On behalf of citizens who – you're supposed to be here to
18 protect.

19
20 FEMALE: If it's not the department. It is not –

21
22 [Blank in recording]

23
24 LINDA WAGEMAN: -- direct regards to your responsibility Nebraska DEQ.
25 We're asking you, we're making a specific request. Would you please respond to these
26 questions that have been raised on the specific letter in writing?

27
28 FEMALE: Find out if I'm authorized to do that.

29
30 LINDA WAGEMAN: Annette (phonetic). I mean at the previous meeting you
31 said you got any questions of DEQ, put it in writing and we'll be happy to provide you answers.
32 Is that policy no longer DEQ's policy?

33
34 FEMALE: I think _____ (inaudible) has said she'll check with her
35 supervisor. It's not typically something you'd be checking because it involves _____ (inaudible)
36 as Mike pointed out. The 404 Permit is a _____ permit because the Department does not
37 actually have regulatory authority over those wetland type projects. So, I mean, that's resources
38 that would be taken away from other activities that we do legitimately have _____ (inaudible).

39
40 LYNN MOORER: But there's a letter in here from **Barney Blink (phonetic)**
41 signing off on this. The first phase of that mitigation signing report. So there's already
42 somebody in your department who is supposed to be looking at this. I mean, did she just *gen*
43 (phonetic) up this letter out of *whole cloth* (phonetic) without actually getting you to review?

44
45 FEMALE: Yeah I'm the one that reviews mitigation plan first. *So I assume*
46 (phonetic) _____ (inaudible).

1
2 MELISSA KONECKY: The mitigation plan did you say?

3
4 FEMALE: The wetland's mitigation?

5
6 MELISSA KONECKY: Yes.

7
8 MALE: So you think the wetland's mitigation plan is fine?

9
10 FEMALE: The part that – the plan that I saw didn't cover everything. It only
11 covered the impacts that will be incurred by the footprints of the wells themselves and the
12 building of the treatment plant. There's a little corner wetland on that property where the
13 building is going to _____ (inaudible). The part that I saw was only addressing _____
14 (inaudible) mitigate _____ (inaudible), a pretty small amount of _____ (inaudible). The
15 other – anything else, any other wetlands impacts due to the MUD activities and come later,
16 *come across* my desk later as they develop and we'll review those as they come. And I made it
17 pretty specific in the letter how *narrow my comments were* (inaudible).

18
19 HAROLD KOLB: So you signed off on this whole thing and say we hope it will
20 work out later basically?

21
22 FEMALE: Yep.

23
24 [Several voices]

25
26 FEMALE: They're required to mitigate to the satisfaction of the wetland,
27 basically the wetland's _____ (inaudible). Agencies that are involved in wetland's mitigation
28 in our state.

29
30 FEMALE: And what if they can't?

31
32 FEMALE: _____ (inaudible) nothing.

33
34 FEMALE: But what if they can't?

35
36 FEMALE: Well if there's no water why _____ (inaudible)?

37
38 LINDA WAGEMAN: Something may happen where their ability to achieve their
39 prime directive. You know I may want to go to the moon but I may not know how to drive yet.
40 I may not have a rocket. I may have all the knowledge in the world but I may not have a rocket
41 necessary to get to the moon. You don't – the State cannot – I mean that is so negligible for a
42 State to turn around and issue a certificate. A 401 Certificate has to be issued before a 404
43 Certificate. And so it's not our job to take care of the 404. Well guess what? There wasn't
44 going to be a 404 unless you guys signed off on the 401. And you signed off on the 401 based
45 on wetlands and surface water and MUD is groundwater issue and so it doesn't pertain and these
46 are in your own jobs. And you've had these State Statutes that say you're responsible but then

1 you hide behind the CERCLA of laws and then you pass the buck to somebody else. And I'm
2 telling ya, I'm having a very difficult time trying to figure out what the worth is on the NDEQ in
3 regards to this whole issue. I mean you're giving out 401 Certificates like they're water and then
4 you say it's just a very, very small percentage of this that or the other. But this is an expansive
5 project and the 404 couldn't be issued unless the wetland's mitigation was dealt with. And that
6 was all wetlands. We had MUD out here as a condition, monitoring and checking the wetlands.
7 Why? Because they had to. Why? Because the 404 dictated it. Why? Because it had to in
8 order to satisfy the 401. At least that's what MUD told me. And now you're telling me
9 something different.

10
11 FEMALE: No (phonetic).

12
13 LINDA WAGEMAN: Yes you are.

14
15 FEMALE: _____ (inaudible).

16
17 LINDA WAGEMAN: Your 401 Certificate –

18
19 FEMALE: _____ (inaudible) point in time. We're not discussing one point in
20 time.

21
22 LINDA WAGEMAN: Your 401 Certificate is not worth the paper that it's
23 written on. You contradict yourself up one side and down the other and then you turn around
24 and try to hide behind the CERCLA law. And then – so that you don't have to deal with the
25 State Statute and say you can't use a State Statute. And then there's Nebraska Senators that turn
26 around and send off letters quoting the State Statute. And I want to know, I guess, Mike, who
27 knows? Who is a greater authority on State Statutes regarding environmental law? Is it the
28 people that are entrusted to enforce them? Or the people that actually write them?

29
30 MIKE FELIX: What State Statutory are you referring to?

31
32 LINDA WAGEMAN: This would be 5606.

33
34 MIKE FELIX: And what does that say?

35
36 LINDA WAGEMAN: It says specifically; let me give you

37
38 LYNN MOORER: 81-1506

39
40 LINDA WAGEMAN: yeah. It shall be unlawful for any person to cause a
41 pollution of any waters or land of the State to place your cause to be placed in any water that the
42 location where they're likely to cause pollution. Likely not will.

43
44 MIKE FELIX: How does that apply to MUD?

1 LINDA WAGEMAN: Well regarding surface water contamination in the springs
2 absolutely.

3
4 MIKE FELIX: But they didn't cause it.

5
6 LINDA WAGEMAN: It doesn't matter.

7
8 MIKE FELIX: Oh yes it does.

9
10 FEMALE: *It states in here about clause* (phonetic).

11
12 LINDA WAGEMAN: They didn't cause it but they can because –

13
14 MIKE FELIX: We don't, we don't –

15
16 LINDA WAGEMAN: The extraction, no. The extraction of their *company*
17 (phonetic) may very easily but they don't even know. They haven't tested the surface water
18 since 1997. The NDEQ stated that you were the ones that wanted the surface water tested. No
19 contraire. The people...

20
21 MIKE FELIX: It's not how we apply that statute though Linda.

22
23 LINDA WAGEMAN: What?

24
25 MIKE FELIX: That's not how we apply that statute. We have to be responsible
26 for the contamination for us to take action. They *aren't* responsible for the contamination.

27
28 LYNN MOORER: Well but his move – MUD's movement of the contamination
29 will make them responsible.

30
31 MIKE FELIX: No it won't. They didn't cause the release.

32
33 LYNN MOORER: Okay. Like you have a big tanker truck going down the
34 County Road, has an accident, fills the ditch full of gasoline. Okay? You've got gasoline
35 brimming over your ditch. Okay? The truck tootles on down the road, doesn't stop. Okay?
36 There's somebody else who comes along here. Hmm, that looks interesting. I'm going to pipe
37 this out and decide that they want to get even with their neighbor that they've had a feud with
38 and I'm going to pipe this gasoline over into their stream, the one that they drink water out of.
39 Now, they didn't cause the gasoline spill in the ditch but they are taking action to pollute or
40 degrade the quality of water for somebody else and your job at DEQ is to protect or prevent from
41 that type of thing from happening. You would say because they didn't cause the spill of gasoline
42 that's okay for them to channel the contamination to some other water source?

43
44 MIKE FELIX: I'm not sure what we would say in that scenario. The person that
45 caused for the release I know we would go after.
46

1 LYNN MOORER: I think that your view of the proper enforcement of this is
2 very shortsighted. It's consistent with Nebraska case law –

3
4 MIKE FELIX: For example.

5
6 LYNN MOORER: And the most important thing – I'll site it for you. I will site
7 it for you but the most important thing that the folks are trying to explain to you is

8
9 LINDA WAGEMAN: likely to cause pollution.

10
11 LYNN MOORER: We are very disappointed in your *limb wrested* (phonetic)
12 hands off stance with respect to not protecting us from the harm that is likely to occur.

13
14 MIKE FELIX: We don't have to. If we don't believe we have any authority you
15 can't act.

16
17 LINDA WAGEMAN: Okay. The case is botch, b-o-t-s-c-h versus Leland
18 (phonetic) Company. This is a 1976 Nebraska Supreme Court Case. The citation is 195
19 Nebraska 509 and it says explicitly in here. The statutes referred to and it refers to 81-1501 as
20 well as 1506 says the statutes referred to make it definite responsibility of the Department of
21 Environmental Control to prevent pollution. Not only the waters of this State but also the air and
22 land of the State. And then they cite 81-1506.

23
24 MIKE FELIX: Alright (phonetic).

25
26 LINDA WAGEMAN: So it doesn't say anything about who's responsibility it is
27 to cause it but to present –

28
29 MIKE FELIX: And when I sold them a deal (phonetic).

30
31 LINDA WAGEMAN: And we can also go so far to say to prevent further
32 contamination.

33
34 MIKE FELIX: That's what we're doing here at the Mead site. That's what we're
35 trying to do –

36
37 LINDA WAGEMAN: Okay.

38
39 MIKE FELIX: -- by acquiring all these actions by the Kansas City _____ because
40 they're responsible.

41
42 LYNN MOORER: Good the question – I will actually require. See that's what's
43 not clear to any of us. You've requested, you've requested, you've requested –

44
45 FEMALE: But you haven't –
46

1 LYNN MOORER: But you haven't actually required.

2
3 LINDA WAGEMAN: For instance –

4
5 LYNN MOORER: The Corps or MUD to do anything.

6
7 LINDA WAGEMAN: Surface water testing is an excellent example of that.
8 Back in April of 2004 there was an e-mail sent off questioning URS regarding surface water
9 samples. This was – this request was made by one of your employees and they asked
10 specifically is there anything out there. The response that Lisa at URS stated was yes. She
11 quoted the OU3 document from 1997 and he went on to ask has there been any further testing
12 since then. The response was no. Now it wasn't until we got a hold of this. But we got a little
13 angry because once again I'm seeing a father with his three boys fishing south of where you
14 found contamination in your surface water with his kids, pisses me off. We come to this meeting
15 and we get our undies in a bunch. Pardon the expression. Saying test the surface water, test the
16 surface water. So you finally go out and test the surface water and then low and behold we have
17 *methanane* (phonetic) chloride. Well guess what? Back in 1997 that was not there. According
18 to all the test results methanane chloride was not there. Either that or it was conveniently left
19 out. Now, if you are doing everything that you're supposed to do in your relationship to this
20 RAB and in your responsibilities to the State and we both know what they are. Please explain to
21 me why you did not you did not push the Army Corps of Engineers or any other entity including
22 but not limited to Mickey Mouse to get those things tested. Why did it take a bunch of civilians
23 to come in here and scream, yell, holler and moan to have surface water testing done and why
24 did it take a threat to get monitoring wells tested? I mean it – excuse me, residential wells
25 sampled. Don't take credit for that. You don't deserve it and you are and your presentation is
26 disgraceful.

27
28 MIKE FELIX: It's a fact, we requested it several times.

29
30 LYNN MOORER: But you didn't force them to do anything.

31
32 LINDA WAGEMAN: You started, you started requesting it on the 28th of April
33 of 2004 based on a conversation that I had with one of your representatives and a representative
34 from the EPA. I've got all of the records for that. Every single one of them including the
35 Corps's responses to my requests and the whole nine yards and you still did nothing.

36
37 MIKE FELIX: We repeated our request several times.

38
39 FEMALE: _____ (inaudible) require?

40
41 LINDA WAGEMAN: Now please, just answer my question regarding the
42 surface water.

43
44 LINDA WAGEMAN: Obviously we're not going to get ____ (inaudible).
45

1 MIKE FELIX: Why did we? We kept reiterating _____ (inaudible) your
2 request.

3
4 LINDA WAGEMAN: For surface water since 19 –

5
6 MIKE FELIX: That's all I can say.

7
8 LINDA WAGEMAN: Since 1997? I don't think so.

9
10 MIKE FELIX: Not since 1997.

11
12 LINDA WAGEMAN: I know. It took until – it took until spring of 2004. There
13 was absolutely no discussion on it. No extended testing and if memory serves me correctly is
14 Johnson Creek a *class 2B stream*? Is it Lynn? Or to be?

15
16 LYNN MOORER: I think it is.

17
18 LINDA WAGEMAN: Yeah we should be protected by the EPA and I want to
19 know why you're not protecting those waters. You say you are. You haven't and I want to
20 know why.

21
22 MIKE FELIX: Well I can't tell you why there wasn't any request from '97 to
23 2004.

24
25 LINDA WAGEMAN: It doesn't matter. You knew that there was contamination
26 there. You knew because you were here all the RAB and part of OU3 stated. I found it. I found
27 it in the RAB documents and this isn't my job. I don't get paid to do this. You do. So why
28 didn't you test those streams before? Why didn't you run your sample?

29
30 MIKE FELIX: Like I said, I don't know there was no request for
31 _____ (inaudible).

32
33 MALE: Mike, Melissa has a couple more questions for you. Do you have?

34
35 MELISSA KONECKY: Well yeah and that one – one is related to what we were
36 just talking about. Assuming theoretically that the plume does move after the MUD well field
37 starts pumping, then if it's not up to MUD obviously to fix it, according to you, who's
38 responsibility would that be to clean up that new area?

39
40 MIKE FELIX: _____ (inaudible) Kansas City District.

41
42 MELISSA KONECKY: It would still be the Kansas City Corps?

43
44 FEMALE: Even though it's caused by MUD's pumping?

45
46 MIKE FELIX: They didn't cause the release.

1
2 LINDA WAGEMAN: They wouldn't cause the release. Face it the KC would.

3
4 MIKE FELIX: The release is already approved.

5
6 LINDA WAGEMAN: KC Court claims that it's contained. If they claim that it's
7 contained and they can prove its contained prior to pumping and then all of sudden there is
8 pumping and they're _____ (inaudible). A lot can happen in three months and all of a sudden
9 there's break in containment. You're telling us that it's a KC Corps (phonetic) respons... fault
10 for that. I don't think so. I'm not going to buy it. I don't think the Feds are going to.

11
12 MIKE FELIX: I didn't say it's their fault I'm saying it's their responsibility to
13 maintain contaminate.

14
15 LINDA WAGEMAN: With Federal tax dollars? You guys screwed up
16 interpretation of Nebraska law.

17
18 MIKE FELIX: _____ (inaudible).

19
20 LYNN MOORER: You very –

21
22 MIKE FELIX: Our position on that is _____ (inaudible).

23
24 LYNN MOORER: Alright. Are you putting that in writing? Yep. Regarding
25 my letter too.

26
27 MIKE FELIX: Don't go fast.

28
29 LINDA WAGEMAN: Regarding my letter.

30
31 MIKE FELIX: _____ (inaudible).

32
33 LYNN MOORER: Very specific request in writing to you. You're all aware of
34 it. You've all had a meeting about it.

35
36 FEMALE: On the 10th of May.

37
38 LYNN MOORER: Futzing about what to do about Linda's letter. Well okay.
39 We're ready.

40
41 MIKE FELIX: We were preparing a response.

42
43 LYNN MOORER: Okay. A written response?

44
45 MIKE FELIX: Yes.
46

1 LYNN MOORER: For every question that's been raised?

2
3 MIKE FELIX: Yes. We're preparing a response to the letter.

4
5 FEMALE: You have written?

6
7 MIKE FELIX: Yes.

8
9 Mitch Frasier: Melissa (phonetic) has one more question I believe.

10
11 MELISSA KONECKY: I know there's been some discussion about whether the
12 Corps is actually only responsible for the seven COCs and I don't think that is, is really resolved.
13 But aside from that, what about some of these *daughter* chemicals that have come, you know, off
14 of the site and have mixed with other things? I mean are – is the Corps denying responsibility
15 for those also?

16
17 MIKE FELIX: I'm not sure what other chemicals you're referring to.

18
19 MELISSA KONECKY: Well I don't remember the specific long name of
20 chemicals but I know that some of them are.

21
22 MIKE FELIX: Well my understanding on that issue is there are seven COC
23 specified in *ROD* but that doesn't mean that the Corps would be responsible for other
24 constituents that is associated with their activities. Those are just the chemicals of concern. The
25 main chemicals of concern but there's other constituents. I think the law restricts that. That's
26 my understanding of. That's what was discussed in the meeting back in February.

27
28 MELISSA KONECKY: Okay so they couldn't be responsible?

29
30 LYNN MOORER: So there's no limitation of them?

31
32 MIKE FELIX: No, no, that is not the case.

33
34 LYNN MOORER: Not limited to those seven COCs?

35
36 MALE: That is --

37
38 MALE: That's what Scott had said ____ (inaudible) in another meeting.

39
40 LYNN MOORER: You are correct on that one.

41
42 BILL McFARLAND: A Corps of Engineers is responsible only for the seven
43 contaminants of concern identified in that – the record of decision.

44
45 LYNN MOORER: That's another false statement.

1 MELISSA KONECKY: But what is that based on? What is that?

2
3 LYNN MOORER: Yeah. What legal authority do you have that they assertion?

4
5 CATHERINE SANDERS: That legal authority if you need it is a record decision.
6 The time that record was even issued, you have to keep in mind that we had gone through the
7 extensive investigation. We had looked at the Department of Defense activities and those
8 activities related to our contractors and this was the list that we came up with that the
9 Department of Defense and/or its contractors were responsible for. And that it documented in
10 the record of the City. And that's the legal basis for our position.

11
12 LYNN MOORER: There's no limitation in that law that says these are the only
13 chemicals that the Corps is responsible for.

14
15 FEMALE: Do you have a record?

16
17 LINDA WAGEMAN: And if it did that would be incon... Would you be so kind
18 as to not interrupt me until I finished? I'll be almost done. There is nothing within the ROD that
19 limits them to those seven chemicals? If it did then that would be inconsistent with federal law.
20 The CERCLA law does not provide that.

21
22 CATHERINE SANDERS: I will tell you that. At this site the law does do that.
23 That is our interpretation of the law and under the Bureau of Statute we are limited to only
24 addressing chemicals of concern and related to Department of Defense *activities*
25 _____(inaudible). Those are the chemicals of concern that we will address at this site.

26
27 MELISSA KONECKY: What about the chemicals that are – that have mixed
28 with one another in those – the streams over the years that are from the site that were originally
29 one of the seven or some of the seven COCs and are now – yeah – metabolized or you know –

30
31 LYNN MOORER: A newer combination.

32
33 MELISSA KONECKY: Broader chemicals? No responsibility for those?

34
35 LYNN MOORER: What's your answer on that one?

36
37 CATHERINE SANDERS: _____(inaudible) from the list of the COC?

38
39 MELISSA KONECKY: Yeah.

40
41 CATHERINE SANDERS: I would assume that those are present. They would
42 relate back to COCs.

43
44 LYNN MOORER: And so the answer is?

1 CATHERINE SANDERS: Yes if they relate back to COCs and their daughter
2 products. Yes.

3
4 LYNN MOORER: That the Corps would be responsible for those?

5
6 MALE: There are more than seven.

7
8 FEMALE: They would have to be daughter products of those original COCs.

9
10 MELISSA KONECKY: Are you saying that you guys, the Corps decided that it
11 was only going to be the seven COCs and that's how this whole thing happened?

12
13 CATHERINE SANDERS: For the record decision was signed by EPA and
14 NDEQ. I take that back. I don't know that NDEQ signed it. Did you guys sign it?

15
16 MELISSA KONECKY: Well is that written in stone then that because you guys
17 decided? You guys are only responsible for those seven? Just because you decided this?

18
19 CATHERINE SANDERS: This was a decision by EPA and the Corps in that
20 regard the decision. What the COCs would be. Yes.

21
22 SCOTT MARQUESS: The process of identifying COC is not strictly a regulatory
23 process it's a process of Risk Assessment. So you start with the site, here's all the things that
24 may have happened at the site. There may be 150 different things. They look at what you – you
25 look at the data and you assess the risk and the process by which – the seven were identified was
26 basically risk assessment. These seven constituents through the Risk Assessment Process need
27 to be addressed some _____ (inaudible) contribute to risk that needs to be mitigated. So if there
28 are chemicals for which CERCLA, DOD would have to address them.

29
30 LYNN MOORER: And so that could well be many more chemicals or
31 compounds or daughter (phonetic) compounds beyond the seven. Right? Correct?

32
33 SCOTT MARQUESS: But at this point I'm not aware of the issues where we
34 have detected anything else that's driving the need for an action or driving our risk.

35
36 MITCH FRASIER: I see the two questions on the far side. We'll come to you.
37 We have two questions over here and then we'll go across the room. If you could please state
38 your name please?

39
40 NANCY MEYER: My name is Nancy Meyer a Saunders County resident. My
41 question relates to your slide entitled Air Quality Issues. Define bullet says that you're going to
42 perform monthly monitoring of emissions. Okay? And my question is, what specific action will
43 be taken if these monthly monitoring of emissions reveal that there's unacceptable level on
44 contaminants? What will you do exactly? Will you just shut down things? Will you –

45
46 FEMALE: -- notify us?

1
2 NANCY MEYER: -- re-do things? Will you tell the public? Exactly what will
3 you do? And really want because I'm a little concerned about the way things are going here.
4 Feel as a citizen, you guys are stone walling like crazy tonight.

5
6 [Audience applause]
7

8 NANCY MEYER: And I've *seen you guys do this before*. I've seen the *NDEQ*
9 (phonetic) do this before. You gave Ashtroe (phonetic) a nice fat permit to burn the tires down
10 there in Louisville. Those people have elevated levels of respiratory illnesses, of cancer but
11 Ashtroe wanted it and you gave it to them. You guys are the only ones who stand between us
12 citizens and the polluters. We're counting on you. Please answer my question.
13

14 JASON LEIBBERT: So the way they're emission control system works in this
15 case is we use an activated carbon filter that's made specifically for treating contaminated air and
16 we'll test that air screen monthly. And if there's an exceedance that means the carbon filters
17 been expended and it's ready to be changed out. So that results, all this results from the monthly
18 sampling. Get reported to the regulators and the carbon filters get changed out as they're needed.
19

20 NANCY MEYER: You're going to change the filters? That's what you're going
21 to do?
22

23 MALE: Well the filters are operational and the monthly testing indicates that the
24 air emissions are below the acceptable limit. That indicates that the filter is operating properly
25 and that if there's any exceedance that indicates that the filter is not operating properly that will
26 be corrected.
27

28 NANCY MEYER: You just repeat what you just said. Look, changing the filter
29 doesn't make me feel comfortable. If my environment has been polluted and you're just going to
30 change the filter I'm sorry I mean how do you explain that to some child who's ill? I'm sorry
31 that doesn't seem to sound good enough for me. I want to see action you guys. Is that it?
32

33 LYNN MOORER: Well do you want to tell us Mr. Felix what you're going to do
34 about it? You're telling us you're going to protect us here.
35

36 MIKE FELIX: Well again on the slides.
37

38 [Laughter in the audience]
39

40 LINDA WAGEMAN: Forget your slide. Never mind the slide. Tell us.
41

42 MIKE FELIX: Well the slide says that our regulations have a threshold number
43 of two and half *tons* (phonetic) which the emission calculations are below. So they're going
44 above and beyond our regulation by putting the carbon treatment on. They're putting the *carbon*
45 *treatment* to my understanding. My understanding of the carbon treatments _____ (inaudible)
46 is based off of your modeling. The modeling was done to see what acceptable concentration

1 could be in the emissions and then model that over to a point of exposure and use a preliminary
2 remediation goal or risk based number and so they're *treating* to make sure that those
3 measurements don't *cause an exceedance* of that preliminary remediation goal that we're talking
4 about here.

5
6 LYNN MOORER: Will you require stack tests?

7
8 MIKE FELIX: Do you want to answer that one Brad?

9
10 BRAD: I guess I finally get some air time here. I'm in the Air Department.

11
12 LYNN MOORER: Well just speak the truth.

13
14 BRAD: What? The question – I guess I'm posed with a question of what are we
15 going to do regarding the carbon filters. Is that?

16
17 LYNN MOORER: The question was will you require stack tests?

18
19 BRAD: No. We use – what we do is *mass balance* (phonetic) in order to
20 determine what the emissions are. We do not need to do a stack test. If there's a part per million
21 of the pollutant in a water stream what we assume is all that is stripped out so we can calculate
22 based on a mass balance. The mass that comes through the air stripper system we assume all that
23 is released. That is probably the most accurate method of calculating any emission point like
24 this. The same goes for a *paint* (phonetic) base thing. All the solvents are evaporated. Maybe
25 not all the solvents are evaporated but that's what we assume. So *mass base* (phonetic) a
26 calculations are most efficient, are most exact numbers to use. So stack testing would not give
27 us any information that we don't already know.

28
29 LYNN MOORER: Well what you've just told us is not consistent with what the
30 information your own file says. I mean your planning to put on your website, give information
31 that gives the impression to the public that you might actually require stack tests. You say, if an
32 emission unit were to approach 2.5 tons per year of TCE NDEQ can require a stack test. When a
33 stack test is required and DEQ makes every effort to have a representative observe the test.

34
35 BRAD: Yes.

36
37 LYNN MOORER: Now you're telling us you're not going to require stack tests.

38
39 BRAD: We rarely would require any stack tests when mass based equation is
40 used when it's appropriate and this is an example of that. There are cases if we have some
41 reason to believe that those become not-accurate based on maybe multiple pollutants that are
42 identified in the calculations then we can do an emissions test but –

43
44 LYNN MOORER: What would you consider to be reason to believe?

1 BRAD: I see no reason to believe the mass based calculation method for a
2 pollutant and air stripper is not the most appropriate thing. I see no reason to believe right now
3 that the stack testing would be appropriate.
4

5 LYNN MOORER: Are you going to require BACT? BACT is available control
6 technology?
7

8 BRAD: When the uncontrolling emissions of this unit, which they are calculating
9 and sending to the Department I believe. When those exceed two and a half tons per year, which
10 is a regulatory limit, we do require best available to *trote* (phonetic) that knowledge.
11

12 LYNN MOORER: What would that be?
13

14 BRAD: Typically in the past I can tell you that granulated activated carbon has
15 been considered best available control technology, which I believe that is what the Corps is
16 proposing to use.
17

18 LINDA WAGEMAN: That's your answer.
19

20 LYNN MOORER: That's the rub right there.
21

22 NANCY MEYER: You know I'm sorry but I have to say that I feel very much
23 that you're head patting me. And I feel very much that you're stone walling me that we assume
24 and best to our knowledge and that doesn't make me feel comfortable because your level of
25 creditability with the public is pretty low. Okay? So regarding this, it just doesn't feel good.
26 Okay? Changing the filter, telling me that this is a better test than that, it's the better test. It's
27 just not *floting*. Sorry.
28

29 MITCH FRASIER: We have one question here and two questions over there and
30 then Bill I believe the last question over there will be –
31

32 [Blank in recording]
33

34 LYNN MOORER: -- the U.S. Government for the assessment of this site. There
35 is the public comment period that is rapidly expiring and you guys should have told the public
36 about it. So when you're done I want to mention that in detail because the public needs to weigh
37 in on this consent decree.
38

39 Bill McFARLAND: Mitch, question here and then we have a couple more and
40 then we'll come back and try to address this question.
41

42 MITCH FRASIER: We're two questions over here and then
43 _____ (inaudible).
44

45 BI McFARLAND: Thank you.
46

1 LINDA WAGEMAN WAGMAN: Yeah, my name is Linda Wageman
2 (phonetic). I need to get a hold of the monitoring well tests, the sampling results for monitoring
3 wells 19A, B and C, 41A, B and C, and 64B. I've gone through the repository. I have gone
4 through your annual reports and there's some scary assumptions made in regards to 41A and
5 since 1993 there's not one inkling of discussion or results on 64B. And I need to know who
6 could provide me those results and when. Yeah Lisa?

7
8 LISA THOLL: Could you tell me again what the dates you said on 64B?

9
10 LINDA WAGEMAN: There are – there's nothing on 64B.

11
12 LISA THOLL: But what was the date that you just mentioned?

13
14 LINDA WAGEMAN: Oh I had gone back to 1993 and right up to current up to
15 2003 based on your 2002 annual groundwater modeling report or modeling report for
16 groundwater of OU2.

17
18 LISA THOLL: Okay. I just wanted to know what the first date that you gave me
19 for 64B was. Thank you.

20
21 LINDA WAGEMAN: What do you mean by the first date? I mean I need
22 number 19A, B and C. I need 41A, B and C. I need 64B and I'd like them – like the results
23 from 1993 to current.

24
25 LYNN MOORER: Would you like to see actual lab test results Linda?

26
27 LINDA WAGEMAN: I really would prefer to see the actual lab test results. Yes.
28 And the reason I say that is because when the reports come in sometimes they'll say below levels
29 but they don't say what those levels are and in some instances I have found that the low level is
30 1.8 or like the instances of Stan *Keiser's* well sometimes is 1.94. And the limit for a treatment is
31 two. So yeah, I really would appreciate that information and *as I was going through* (phonetic)
32 2002 annual report where you say in that both the TCE and RDX plumes are delineated and
33 whatnot and you reference RDX and *TCE* a lot but once again I find very little regarding the
34 remaining balance of COCs and this is concerning me a great deal because if you're not at least
35 base level knowledge you're going to assume that everything is okey dokey and I don't think it
36 is.

37
38 MITCH FRASIER: We have a question over here on the far side.

39
40 FEMALE: Mr. _____ (inaudible).

41
42 MALE: Here I'll come to you. I'll come to you.

43
44 CHRIS FUNK: I don't need that.

45
46 MALE: Are you sure?

1
2 CHRIS FUNK: Yeah. You talked about requesting a lot of things but do you
3 require some of these concerns that everybody – you have and we have? Can you require or
4 whoever informs some of those things that they're requesting?

5
6 MALE: _____(inaudible).
7

8 MIKE FELIX: My understanding was we're a party to the interagency
9 agreement. The work that's being done from the side is under CERCLA. As part of that process
10 that have to make a state regulations. So if you want a statement or _____ (inaudible) require
11 or actually _____ (inaudible).
12

13 LYNN MOORER: No, it's require it. Okay.
14

15 MIKE FELIX: And require it. Excuse me.
16

17 CHRIS FUNK: Okay. In your presenting slide show things you said that
18 Nebraska Department of Environmental Quality single risk of human health on my well
19 sampling. Is that correct?
20

21 MIKE FELIX: Probably 2004 sampling data on 37 wells.
22 _____(inaudible).
23

24 CHRIS FUNK: I have a problem with trusting that and I was sent in October. I
25 have no set of letters in December stating the results and then just to equalize the letter saying
26 there's _____ (inaudible) clerical errors and the results on the _____(inaudible) were
27 incorrect. And what's _____ they may not even be associated with the samples from my well.
28 So you sent me some – I received some other _____(inaudible). Why should I believe you
29 from my well now? And why should anybody believe that their samples and their results were
30 correct if there were errors in the sampling and results _____(inaudible)?
31

32 BILL McFARLAND: I don't know what you're referring to the
33 _____(inaudible) samples.
34

35 MALE: Are you talking about the letter that was in the _____(inaudible)?
36

37 FEMALE: Huh?
38

39 SCOTT MARQUESS: What letter are you talking about?
40

41 SCOTT MARQUESS: Are you talking about my letter?
42

43 CHRIS FUNK: Yeah.
44

45 SCOTT MARQUESS: Okay.
46

1 LYNN MOORER: Yeah. Fess up here. Tell us about it.
2
3 SCOTT MARQUESS: I stand up. I screwed up. The –
4
5 [Applause from one person.]
6
7 LYNN MOORER: Thank you for taking responsibility. Thank you. I appreciate
8 that.
9
10 SCOTT MARQUESS: The letters that went out over Christmas reporting the – it
11 was our sampling. What data was that? September and October residential sampling EPA
12 collected split samples and the analysis for the Perchlorate, RAD and Dioxane and when we sent
13 out the results – the folks that sent it out didn't realize that it was important to include result one
14 the resident one. So there was kind of a random rate of number generation is the transmittal
15 letter went out with the data and when we went back and found it again later is like – that was
16 the problem. So we sent out information and I hope we got it right.
17
18 [Laughter in the audience]
19
20 CHRIS FUNK: You do actually _____ (inaudible) confident that
21 _____ (inaudible)..
22
23 SCOTT MARQUESS: 100% confident. The reason was not a laboratory issue
24 was the issue of the compilation of a letter..
25
26 HAROLD KOLB: So that happened to your pay checks?
27
28 SCOTT MARQUESS: Excuse me?
29
30 HAROLD KOLB: Interact with your paychecks?
31
32 SCOTT MARQUESS: I didn't send it out.
33
34 [Audience laughing]
35
36 MALE: We have a question here in the front.
37
38 JANET PIERCY: My name is Janet Piercy and I was one of the four they had
39 detect contaminant TCE and I was just curious why, if you guys are so caring, protecting the
40 Nebraska residents in that area, why I haven't been offered bottled water and I'd wish I'd had
41 brought that article in the World Harold where there was some detection TCE in the valley area
42 and I don't know what agency gave them the bottled water but right away they had bottled water.
43
44 CHRIS FUNK: They were all from the whole house filtration (phonetic).
45 _____ (inaudible).
46

1 BILL McFARLAND: I'm sorry ma'am, who are you addressing the question
2 towards? The *Corps* or the *NDEQ* or both?

3
4 JANET PIERCY: Whatever the protection agency would give bottled water to
5 somebody that has TCE detection.

6
7 BILL McFARLAND: I missed this. Was this an oral request ma'am or was it a
8 written request? And when was this? I'm sorry.

9
10 JANET PIERCY: I just saw an article in the *World Journal* (phonetic). I'm just
11 saying why, why wasn't I offered? I didn't ask for it but I would think it would come from you
12 to me having detected the TCE in my well water without me even asking. I thought it might
13 have been offered that you guys are so caring. This article's from *World Harold* (phonetic) had
14 mentioned that they had TCE detection, something. I don't know how they got it because
15 they're not near us but they were _____ (inaudible) for not only bottled water but the filtered
16 water. And nothing has been offered to me and some of the ones that were protected, the TCE.
17 Kind of just doesn't give me warm fuzzies.

18
19 FEMALE: I'll take that.

20
21 BILL McFARLAND: Ma'am I'm not familiar with that. Add that _____
22 (inaudible). Okay? Thank you.

23
24 LYNN MOORER: Get you off the hook.

25
26 FEMALE: Because I think what you're talking about is the Highway 275 and the
27 *citing valley* (phonetic) and I know that they – their concentrations were about the health base,
28 which is by _____ (inaudible). I was wondering what – I don't remember what was the owner
29 of 317 _____ (inaudible). Were they _____ (inaudible)?

30
31 JANET PIERCY: Well everybody that was involved in the detection they said
32 Scott said it's not health threatening although there is a trace. They'll test in a year.

33
34 FEMALE: _____ (inaudible).

35
36 FEMALE: Okay, well.

37
38 SCOTT MARQUESS: I don't recall. Did you have TCE detected in your water?

39
40 JANET PIERCY: It was a form of TCE.

41
42 SCOTT MARQUESS: I don't believe so. Not a form of TCE.

43
44 JANET PIERCY: Oh.

45
46 SCOTT MARQUESS: Trihalomethane.

1
2 JANET PIERCY: I thought it said TCE when –

3
4 MALE: _____. _____

5
6 SCOTT MARQUESS: Ma'am, I'll be happy to talk with you later but I think you
7 had any TEC or by-products in your – you're talking about this September/October results. I
8 don't believe there was anything related to TCE showing up in that.

9
10 LYNN MOORER: Okay. Just say for example though if she did. You have
11 recommended Mr. Marcus that the Army should consider offering or providing alternate water
12 supplies when any detections of RDX or TCE are observed in residential water supplies.
13 Correct?

14
15 SCOTT MARQUESS: That is – that's correct.

16
17 LYNN MOORER: Alright. So that's an important distinction here. Is the Corps
18 going to do that? Regardless of whether it's health ____ (inaudible) or not. You believe that the
19 Corps should offer bottled water or alternate water supplies to anybody who has RDX or TCE
20 detection of any type.

21
22 SCOTT MARQUESS: Correct.

23
24 LYNN MOORER: Right. Okay.

25
26 SCOTT MARQUESS: And I will say the ROD doesn't require that as it's
27 written.

28
29 LYNN MOORER: Yeah. I'm noting this. This is what you recommended and I
30 want to know whether the Corps is going to do this because I think that would go a long way to
31 making an important impression upon folks here that you guys are really serious about
32 understanding what the public expects of you.

33
34 LINDA WAGEMAN: What's less expensive? Putting the people in the area on
35 filtration devices or having to come out and test them all the time? Where is the cost benefit?
36 Has anybody run analysis from that?

37
38 LYNN MOORER: Give him the answer first. Are you – is the Corps going to do
39 it?

40
41 JASON LEIBBERT: So, let me start by saying I don't have this policy
42 memorized but there is a written policy that's being published. We published it back in
43 September at our public availability session that defines the minimal criteria by which a resident
44 received bottled or activated carbon treatment for their home. And there's a set process and I can
45 you tell you I don't know that set process off on the top of my head but we can find that
46 documentation and we can provide that to you.

1
2 LYNN MOORER: Oh I've read that thing and that thing does not say that you
3 will provide water or alternate water for anybody who isn't at a health level or above. And so
4 you're basically telling Mr. Marcus just shove it we're not going to do it. Even though Mr.
5 Marcus has asked you to do it, you're going to tell him no. Is that the answer?
6

7 CATHERINE SANDERS: The answer is that we'll follow the requirements in
8 the ROD. And the *ROD* requirements that *follows* (phonetic) state drinking water action levels
9 or MCLs. If a resident exceeds that MCL (phonetic) or a health advisory for RDX we will
10 provide an alternate water supply.
11

12 LYNN MOORER: Then why did she get hers? Is that a _____ (inaudible)
13 too?
14

15 FEMALE: I don't believe that Ms. Marcus said that she _____ (inaudible) a
16 health environment there in _____ (inaudible).
17

18 MALE: She might have been TCE.
19

20 LINDA WAGEMAN: She didn't qualify.
21

22 MALE: You haven't died yet.
23

24 LYNN MOORER: You're still looking good.
25

26 MALE: You have to glow a little more.
27

28 MITCH FRASIER: We have a question here.
29

30 [Laughter in the audience]
31

32 SUE BRAUCKMULLER: Brauckmuller and I have a question for Mike. You
33 said RDX and HMX don't have a – some _____ (inaudible) standard. That kind of freaks
34 me out. Should I not necessarily freak out or should I let my *daughter* (phonetic) drink out of it
35 or my cow _____ (inaudible)?
36

37 MIKE FELIX: I don't know I'd have to talk with our Surface Water fellows.
38 They don't have a numerical standards. I don't know if they _____ (inaudible) other _____
39 (inaudible) standard or what you use _____ (inaudible) to use.
40

41 SUE BRAUCKMULLER: Is it just because it only lands in the water or is it? Is
42 it a number that hasn't been arrived at?
43

44 MIKE FELIX: _____ (inaudible) established.
45

46 SUE BRAUCKMULLER: But should I be concerned if it is high?

1
2 MALE: *Yeah, be concerned* (phonetic).
3

4 SUE BRAUCKMULLER: Okay. I guess that answered my question.
5

6 LYNN MOORER: And how high is high is the next question?
7

8 MIKE FELIX: I don't have –
9

10 SUE BRAUCKMULLER: They don't have a standard. That's what he just said.
11

12 FEMALE: So what is high?
13

14 SUE BRAUCKMULLER: So _____ (inaudible) freaked out and don't go visit
15 the *bottle system* (phonetic).
16

17 MALE: I'm sorry you're talking about explosives in surface water. Right?
18

19 FEMALE: Yes.
20

21 SCOTT MARQUESS: So what's our maximum level of _____ (inaudible)
22 surface water? Less than five?
23

24 FEMALE: Less than five.
25

26 SCOTT MARQUESS: And so – so you're drinking water standard for RDX is
27 two. For HMX it's 400. But that's not a part of this action that that's the health *advisory level*
28 for HMX. So those be two of your primary ones here. So we don't have anything and surface
29 water here I think it's less than two _____ (inaudible).
30

31 FEMALE: 1.97 (phonetic) –
32

33 SCOTT MARQUESS: Is, and I've got some recent data so, so if you drank it all
34 the time that wouldn't be health threat at those levels. So *the only* (phonetic) other kinds of
35 exposures since their not so intimate I suppose is one way to describe it the levels would be
36 higher that you could be exposed to and not see a problem. So the level that you see for RDX
37 are probably not a problem. I think we did – there was a *risk assessment done* in
38 _____ (inaudible) surface water. Correct? _____ (inaudible). What was detected at
39 the time of _____ (inaudible) the RI in '97 based on the '97 data and they said there was no
40 threat. Is that correct?
41

42 LISA THOLL: Since '95?
43

44 MALE: Okay.
45

46 FEMALE: Data then that's correct.

1
2 MITCH FRASIER: Had a question over here and then I'll come to you next and
3 then the lady in back.
4

5 PAUL RANDAZZO: My name is Paul Randazzo. I guess – I think it's a little
6 unfair to have to come here and finding you have to _____ (inaudible) rules and I just assumed
7 that the meeting is for the public and there's been no, no one's ever talked to me about what I
8 think about your 30-minute question and answer period. And I think it's a little unfair for you to
9 come and say you can't have any question while we're talking but you have only 30 minutes to
10 ask all your questions and then say oh sorry we're not going to get to you, we're done and then
11 we're going to close up shop and you _____ (inaudible) clean it up. That doesn't quite cut
12 it.
13

14 [Audience applauding]
15

16 PAUL RANDAZZO: _____ (inaudible) how to run your meeting I have a
17 _____ (inaudible) of those. I have signed up on every form and everything every time I come
18 and I never get notification that you guys are having a meeting. I find out from my neighbor
19 when it is. No one has ever contacted me and said, Hey Paul how do you think we can clean this
20 up or make it better? So _____ (inaudible) but I assume it's me so you should make it a
21 little more friendly Board Meeting.
22

23 MALE: Yeah.
24

25 FEMALE: Absolutely.
26

27 BILL McFARLAND: Thank you for your comment. The meeting is for
28 community members and *government* (phonetic) attain to exchange information, get your
29 feedback.
30

31 PAUL RANDAZZO: No you said you didn't want my feedback.
32

33 BILL McFARLAND: I never said that sir. I never said that sir.
34

35 PAUL RANDAZZO: _____ (inaudible) meeting that you don't want it.
36

37 BILL McFARLAND: I never said that sir.
38

39 PAUL RANDAZZO: The last thing I have is how long is it possibly going to
40 take you guys to put together a plan? Been hearing about the plan, the plan,
41 _____ (inaudible) and everyone else's suggestions but when is the plan? How long can it
42 possibly take to say here's our plan of action and it includes all these things? Should be – taken
43 most – at the most it will take you about four hours. Here's the plan.
44

45 BILL McFARLAND: I wish it were that simple. There's a number of plans out
46 there. I believe the "the" plan that it's all encompassing a number of actions that were current

1 and *ongoing* and projected on to the rest of this calendar year but well into the future I believe
2 that was discussed as a main topic item at the last RAB. I was not there for that but I vaguely
3 remember the plan to discuss with the regulators in preparation for the February 22 RAB and that
4 was an agenda topic and went into great detail as I recall.

5
6 PAUL RANDAZZO: Is that your plan? So what we were delivered on February
7 is the plan? So _____(inaudible) from end and with the rest of the Nebraska Department of
8 Environmental Quality that _____ (inaudible) these recommendations are not the plan?

9
10 BILL McFARLAND: What we call the plan is encompassing a number of
11 components. *Load Line 1 is our main objective* for this year in addition to contained with the
12 extraction models and I'm sure there are and the groundwater sampling that there's a number of
13 components within the plan.

14
15 PAUL RANDAZZO: The plan is for February information that you gave. So the
16 plan has already been done you're saying? And I may _____(inaudible) I missed it.

17
18 BILL McFARLAND E: No, I don't know if you were here. I personally –

19
20 PAUL RANDAZZO: I was here.

21
22 BILL McFARLAND: Okay we're – as I recall it was discussed. I believe there
23 was copies handed out. It has not been finalized.

24
25 LYNN MOORER: No there were no copies handed out.

26
27 BILL McFARLAND: I stand corrected. I stand corrected. It was discussed in
28 the presentation. It's not been finalized yet.

29
30 PAUL RANDAZZO: That's what I'm saying.

31
32 BILL McFARLAND: Yes sir.

33
34 PAUL RANDAZZO: There's my point right there. February the plan was
35 presented and it's now June. We in June? June and it's not been finalized. That's my point.
36 And then we have the Nebraska Department of Water Quality come here listening out for
37 suggestions. By the way *which I think are* excellent. Great suggestions. I hope you guys do
38 them. But still no plan. It's very confusing to the public to hear suggestions that aren't
39 happening mixed in with things that actually are. That's confusing to us or to me at least. I
40 didn't mean to talk for everybody. For me that's very confusing. All I want to know is what you
41 guys are doing.

42
43 BILL McFARLAND: Okay. We are in the process of finalizing the plan.

44
45 PAUL RANDAZZO: That will be _____ (inaudible).

1 BILL McFARLAND: I can't give you an exact date when it's going to be
2 submitted but I will – we are finalizing that and we will take that as an action item and on a
3 number of things that we're going to follow back up to identify a date which it will be finalized.
4 Yes sir. Thank you.

5
6 MITCH FRASIER: We still have a question here in the front and then two in the
7 rear.

8
9 LYNN MOORER: This isn't actually a question I want to point out to Mr.
10 Marcus this has to do with the consent decree that the University has recently signed with the
11 U.S. Government pertaining to the contaminants for which the University may have
12 responsibility. There has been a consent decree lodged. There are 30 days that the public has
13 that they can comment on it and the 30 day period will be up on Monday. Actually it will be on
14 Sunday except that the – you go to the next business day and none of guys have uttered a
15 mumbling word about this but this is something you did refer to in general Mr. Marcus at that
16 last meeting when the issue came up with study of the radioactive materials and where we were
17 with respect to the University. Do you want to summarize what this consent decree provides?
18 I've got a copy here.

19
20 SCOTT MARQUESS: I'm not the guy to talk about the consent decree.

21
22 LYNN MOORER: Okay.

23
24 SCOTT MARQUESS: That would be our _____ (inaudible) force with people
25 from DOJ and that's Mike _____ (inaudible) and he's not here. I can tell you –

26
27 LYNN MOORER: You're listed as the guy, as the go-to guy in here.

28
29 SCOTT MARQUESS: Really?

30
31 [Audience laughing]

32
33 LYNN MOORER: And this is a mystery.

34
35 SCOTT MARQUESS: Let me tell what – let me tell you what the order tells
36 _____ (inaudible) and Bruce is here. They had to do – and we talked about this in the past.
37 The scope is generally to address – to conduct a Remedial Investigation and a Feasibility Study
38 at – how many areas? Six areas Bruce basically? Well there's two trenches?

39
40 SCOTT MARQUESS: Two trenches at low *dock one* (phonetic). There's a
41 trench at low line two. There are a number of disposable areas and other areas at the landfill
42 sewage treatment plant. The University submitted in – yeah that's just north of the *Silver*
43 (phonetic) Treatment Plant.

44
45 BRUCE HALEY: Proving Grounds.

1 SCOTT MARQUESS: Right. I'm up to six.
2
3 BRUCE HALEY: Well you could all the RAD, there's seven RAD trenches. The
4 North proving ground.
5
6 LYNN MOORER: RAD means radioactive materials?
7
8 BRUCE HALEY: Radioactive. *All are* (phonetic) radioactive. The north
9 *proving* ground, the landfill itself, the pestocide (phonetic) rinsate (phonetic) area, and we're
10 including those two smaller trenches that were up by the landfill area. They're included as one.
11 So, you know we can get six. But yeah, we've talked about them all before. They were all up on
12 the wall when you made your one presentation for everybody _____(inaudible).
13
14 SCOTT MARQUESS: And so they are investigating all of those areas for
15 primarily groundwater issues as in the broader sense. And then they were also provide that
16 they're going do removal actions which would likely be to excavate and dispose elsewhere the
17 buried waste material and the two trenches that both Load Line One, the trench that _____
18 (inaudible) too and several trenches as we near the sewage treatment plant of the area.
19
20 BRUCE HALEY: Burial Site D?
21
22 SCOTT MARQUESS: Yes. And then what April is it, May?
23
24 BRUCE HALEY: I'm sorry.
25
26 SCOTT MARQUESS: When is it? The University submitted for EPA review
27 subject to the agreement. The first seven whenever those plans whenever that we get this
28 process started. _____(inaudible) it will be providing a few comments to the University next
29 week I anticipate. Second set of the more specific plan will be provided the first part of July and
30 then all of the field work to begin sampling and characterizing the University sites will happen in
31 late summer or early fall.
32
33 LYNN MOORER: Okay. So you're not exactly familiar with the terms of the
34 consent decree?
35
36 SCOTT MARQUESS: Well no –
37
38 SCOTT MARQUESS: Unless you have a specific question I can't answer them.
39
40 LYNN MOORER: Well let me just – stop me if I'm wrong here. I mean just in
41 general about what it is that they agreed to between the parties that I think the people need to
42 know this. There are three main things that the University does according to the proposed
43 consent decree. And see this doesn't take effect until the public has the opportunity to weigh in
44 on it and then it's up to the U.S. Attorney to determine whether or not there should be changes
45 made to the consent decree. So you at least, you don't want to miss out on the opportunity of
46 weighing in if you think there's something about this that's basically wrong. And I've got the

1 decree here plus all the other documentation for anybody who would want to review in more
2 detail.

3 The University agrees number one to pay \$71,939 to the U.S. Government.
4 That's it. \$71,000 to conduct this Remedial Investigation Feasibility Study that *was supposed*
5 (phonetic) to have been mentioned.

6
7 SCOTT MARQUESS: That incorrect.

8
9 BRUCE HALEY: No, that is incorrect.

10
11 LYNN MOORER: Alright. This is –

12
13 SCOTT MARQUESS: They're going to pay \$71,000 but that's basically to
14 reimburse and pay for work that's been done.

15
16 LYNN MOORER: For response costs?

17
18 SCOTT MARQUESS: Correct.

19
20 LYNN MOORER: That's right. We're going on.

21
22 SCOT MARQUESS: Okay. Sorry, that's not what I heard you say so.

23
24 LYNN MOORER: Alright.

25
26 SCOTT MARQUESS: It's not going to cost them – it's going to cost them a lot
27 more than \$71,000 to do this.

28
29 LYNN MOORER: Oh I understand. I'm not – I didn't – wasn't saying so I'm
30 glad you clarified. I'm not saying it really going to cost them that. I'm just saying in terms of a
31 payment to the U.S. Government its \$71,000. They bear the expense for their RIFS. Alright?
32 And EPA is the lead agency with respect to this. Correct?

33
34 SCOTT MARQUESS: The order is with the EPA and _____ (inaudible).

35
36 LYNN MOORER: Alright. And the University covenants not to sue the U.S.
37 Government over any past – any other past response processes or to seek injunctive relief for any
38 soil or groundwater contamination caused by explosive compounds. It only refers to explosive
39 compounds released at the site by the U.S. Government or it's contractors or for any of the
40 University's costs for responding to releases or threat releases of the *hazardous substances* on
41 the site. Alright? The U.S. Government agrees as a part of this to covenant not to sue the
42 University to recover any more past response costs or seek conjunctive relief of soil or
43 groundwater contamination caused by the explosive compounds released at the site by the U.S.
44 Government. So basically they're agreeing to it say we're not going to go after either of you
45 anymore for past costs that either the agencies have rung up related to explosive compounds by
46 the University. Excuse me, by the U.S. Government or hazardous substances by the University

1 *hazardous* (phonetic). This is the agreement that you may recall, a lot of you guys have seen the
2 letter when all our five U.S. elected representatives, *Senator Nelson*, *Senator Hagel*, [REDACTED],
3 *Osborn and Terry* (phonetic) wrote that letter *lodging* (phonetic) EPA Administrator Leavitt
4 (phonetic) at the time to go easy on the University. Okay? And there were three things that they
5 asked for in that letter. They wanted DEQ to be the lead agency, not EPA. They wanted the
6 RIFS to be implemented over a two-year period, at least a two-year period. And they wanted the
7 scope of work to be restricted.

8 Now, I think we've answered one of those questions. The question is which of
9 those three things? What's the status of those three things they asked for? EPA is the lead
10 agency not DEQ.

11
12 SCOTT MARQUESS: Correct.

13
14 LYNN MOORER: Right.

15
16 SCOTT MARQUESS: DEQ will be participating in working an agreement with
17 them for their participation in development.

18
19 LYNN MOORER: Okay. But then according to the Administrative Order it is
20 still just up to EPA to decide what the timeline is. It's your approval authority.

21
22 SCOTT MARQUESS: The schedules are with _____ (inaudible) plan. I
23 don't have those off the top of my head.

24
25 LYNN MOORER: But have you approved them?

26
27 SCOTT MARQUESS: They have not reviewed the plan yet. They will be multi-
28 year and multi-in the process. It won't be solely for investigation it will also be remediation that
29 will be occurring when that _____ (inaudible). So that's what the removal actions as I talked
30 about Load Line 1, Load Line 2 and the Site D. So there are an additional investigation and
31 there will actually be clean up after the _____ (inaudible).

32
33 LYNN MOORER: Would you refer to her as RA – Removal Action?

34
35 SCOTT MARQUESS: Correct.

36
37 LYNN MOORER: Okay. So the outline – the timeline that Mach Tec (phonetic)
38 has submitted to EPA, which is the University's contractor, basically lays out a year and a half
39 timeline. They start with April 19, 2005 in terms of the global work plan that they submitted.
40 And then they have the completion of the Removal Action in October of 2006. Okay? So that's
41 what they're proposing but then EPA hasn't approved or –

42
43 SCOTT MARQUESS: That's correct we haven't reviewed those documents.

44
45 LYNN MOORER: Can you explain for us? Who were wondering then, what's
46 the deal with the scope of work? Was the scope of work restricted?

1
2 SCOTT MARQUESS: The scope of work is the scope that they need to address
3 the sites that are not identified. I mean what the University is going to be doing with this order is
4 every time when they think they need to be able to address waste disposal, waste management
5 area of whatever at the site.
6

7 LYNN MOORER: So EPA has not made any agreement or understanding that
8 you will agree to have any of the scope of work limited?
9

10 SCOTT MARQUESS: Well we agreed. At least *something has been* (phonetic)
11 identified the areas of concern and we look at the areas that are identified in the order.
12

13 LYNN MOORER: So that you haven't made a particular agreement that says, we
14 all agreed to limit this scope? According to what the Congress people were asking for.
15

16 SCOTT MARQUESS: *Where I was going* (phonetic) a part on how we evaluate
17 the site. I mean we value the site.
18

19 LYNN MOORER: I wouldn't think you would but –
20

21 SCOTT MARQUESS: Based on the site records in the files and the information
22 that the University provided to help us on *11-40* (phonetic) and prepared a report but I think we
23 probably shared – or a contractor did and turned _____ (inaudible) what the University
24 files and University responses and that report was essentially was the basis for the work that's
25 outlined in the order.

26 LINDA WAGEMAN: Scott, I'll be honest with you having a timeline of Monday
27 is not cool.
28

29 [Tape 1 ended]
30

31 SCOTT MARQUESS: _____ (inaudible). I can't answer your question then so.
32

33 LINDA WAGEMAN: Okay then the timeline – I'll be honest with you Scott the
34 timeline – having the stuff turned in by Monday is not cool because I'll be honest with you. This
35 is the first I've heard about it.
36

37 MELISSA KONECKY: Yeah.
38

39 SCOTT MARQUESS: I don't think this is the first time and I know this isn't the
40 first time we talked about this at these meetings.
41

42 FEMALE: But you –
43

44 FEMALE: I know.
45

46 LYNN MOORER: -- The issue is the 30-day comment period.
47

48 FEMALE: It's true.

1
2 FEMALE: -- comment period.

3
4 FEMALE: But yeah.

5
6 LINDA WAGEMAN: The 30-day comments – this is the first time I’ve heard
7 about it.

8
9 MELISSA KNOECKY: This is the first time we’ve heard about the agreement.

10
11 LINDA WAGEMAN: What can we do to get – what can we do to get an
12 extension?

13
14 FEMALE: I’m just – I’m not real familiar with what the process is but I think if you
15 have a concern we could certainly request a *quarter* (phonetic) grant to ____ (inaudible)
16 extension. And they may do that. I don’t know.

17
18 LINDA WAGEMAN: So I’m going to have to spend money to hire an attorney to
19 go to court to request an extension?

20
21 LYNN MOORER: No, no. I would just say – the comment everybody could
22 submit right is we just learned about it, please extend this for at least another 30 days or 60
23 days. And I do have an address of this U.S. Attorney in Omaha. I presume that – they don’t
24 even tell you in here where you’re suppose to send it.

25
26 LINDA WAGEMAN: Okay.

27
28 FEMALE: *So comments* (phonetic).

29
30 FEMALE: We *did* (phonetic) discuss this at these meetings but we didn’t discuss
31 – wasn’t the topic only can be a public informational meeting that on the University site or
32 something?

33
34 FEMALE: We did.

35
36 FEMALE: That’s what I thought.

37
38 FEMALE: The 30-day discussion deal?

39
40 SCOTT MARQUESS: That’s different than what this one is.

41
42 FEMALE: Again, this is within the Federal District Court System so I don’t know
43 that any of us here could tell you what kind of response you will get from the Judge right now.
44 But you could certainly – I think *presiding* (phonetic) the court.

45
46 SCOTT MARQUESS: I should find out and call you tomorrow.

47
48 FEMALE: Thank you.

49
50 BILL McFARLAND: Let’s take one – one more question and we are going to
51 _____ (inaudible).

1
2 MALE: It's a hot budget.

3
4 LINDA WAGEMAN: God no.

5
6 BILL McFARLAND: And we're going to make ourselves available for informal
7 discussions that we _____ (inaudible).

8
9 HAROLD KOLB: We appreciate the fact that you're available there now.

10
11 MALE: One more question.

12
13 HAROLD KOLB: What happened to the Memphis sample you have?

14
15 BILL McFARLAND: Memphis sample? I contacted personally the Mayor, Mike
16 Kronakin (phonetic). He gave us access, written access to two wells. Myself and two others, a
17 contractor, we went out there and those wells were sampled for explosives _____
18 (inaudible) Jason's Jump in there any time. I was there I witnessed that. The samples were
19 taken for two municipal supply wells. They were tested. They were quality assured and the
20 results have been provided to Mr. Kronakin. When I talked to Mike the other day he knows the
21 RAB came up here and I said we're pleased with the results and they came back non-detect
22 and I said can I release that information to members of the Board or here to the public next
23 week, meaning tonight. And he said yes and I said or would you prefer the – any questions on
24 this come to you directly and he says no. He gave me – he was at a Board Meeting. He turned
25 to the Board and the Board authorized us to say that the two samples for explosives that we
26 obtained during the March sampling event came back as non-detect. And during on the next,
27 next time we run or the water bills go up they plan on putting a notification in the mail along with
28 the water bills to all the local residents.

29
30 HAROLD KOLB: Was that all their wells? Did Memphis only have two wells?

31
32 BILL McFARLAND: That's my understanding. That's the two we were shown
33 and there's an old one and a new one and those were the two we sampled. Yes sir.

34
35 HAROLD KOLB: I retrieve – I can *you treat* the RDX in 12 and 13.

36
37 JASON LEIBBERT: The data does not indicate RDX. That was their base
38 (phonetic) line.

39
40 HAROLD KOLB: Well I've read that there is RDX at those locations. So, I don't
41 have it right with me but I've read that there is RDX in 12 and 13. So basically no findings?

42
43 JASON LEIBBERT: The system has been designed to treat TCE contamination
44 on the _____ (inaudible).

45
46 MALE: Pardon?

47
48 JASON LEIBBERT: And data indicates that there is no RDX contamination
49 although it's an action level that far south.

50
51 HAROLD KOLB: But there's still a 30X (phonetic) there?

1
2 JASON LEIBBERT: It's the other part of the plan is to have EW11 up and
3 running as soon as possible that will cut off that part of the plume and prevent RDX from further
4 migration down the _____ (inaudible).

5
6 HAROLD KOLB: You shut it off three or four years ago. So why would you start
7 it up? Is 12 and 13 – you come up with a schedule is that on schedule? Last time I was here
8 they said December they were going to be working. So now it's March?
9

10 JASON LEIBBERT: *12 and 13 will be pumping* in December. The system will
11 continue to undergo start-up testing whereby we make sure that everything is fully functional
12 and right now the schedule shows that by March of '06 the entire system should be fully
13 functional and ready to turn over _____ (inaudible) operational.
14

15 HAROLD KOLB: Okay is TCE heavier or lighter than air? Does this stuff just
16 keep going up or does it go to a certain place and never come down. Or does it go about five
17 miles and come down on my house or what? Where does this TCE go when you've put the two
18 and a half tons a year up in the air?
19

20 JASON LEIBBERT: I can't speak to that atmospheric exposure I can't _____
21 (inaudible).
22

23 LINDA WAGEMAN: I can _____ (inaudible) I can _____ (inaudible).
24

25 [Several voices]
26

27 FEMALE: Where does it go?
28

29 HAROLD KOLB: I'm not the – I'm the air guy. I'm not a meteorologist but when
30 you do release volatile organic compounds into the atmosphere they do disperse. I would
31 imagine that they could _____ (inaudible) and possibly land just like dew would land.
32

33 LINDA WAGEMAN: TCE has a life of seven days after it's been up in the air.
34 Seven days _____ (inaudible).
35

36 MALE: I'm no meteorologist, When you do release volatile compounds into the
37 atmosphere, they do disperse and I would admagin they could re-condense and possibly land
38 as due would land–
39

40 LINDA WAGEMAN: Wait, wait, wait, wait, wait, people are leaving. When is the
41 next meeting? Do we know?
42

43 BILL McFARLAND: That's the next slide that we were going to present.
44

45 LINDA WAGEMAN: Okay. Well I think people should know when the next
46 meeting is.
47

48 HAROLD KOLB: Beside for Dan (phonetic), can the RAB be updated?
49

50 BILL McFARLAND: Can the RAB be updated?
51

1 HAROLD KOLB: All these questions go to the ROD. ROD is contaminant of
2 concern it's the RAB.

3
4 BILL McFARLAND: Right now there's always that process _____ (inaudible).
5 There's always that process for updating the RAB. There are no plans to do that right now.

6
7 BILL McFARLAND: I get a yes and a no.

8
9 SCOTT MARQUESS: Yes, you can always amend the decision if there's some
10 reason to do so. Yes there are plans to write an explanation of significant differences or a ROD
11 to address. A RON specified pump and treat in where these hot spot to areas within the plume
12 and the plan is now is multi-phase but it's the one I'm sure that is not three-phase *denapulp*
13 (phonetic) but then there is – if there's not implement the GCWs, which there are a couple of
14 wells that have been _____ (inaudible) here to _____ (inaudible) the RDX _____
15 (inaudible) TCE but there is a plan to revise the ROD but that's a number of components but
16 that's the primary data *asked for* (phonetic) _____ (inaudible).

17
18 FEMALE: Would you say there's a?

19
20 HAROLD KOLB: Could you bring that up to these meetings?

21
22 LYNN MOORER: Just a minute. A plan means yes there's an agreement you're
23 going to do it.

24
25 SCOTT MARQUESS: Yes.

26
27 LYNN MOORER: Okay. Thank you.

28
29 SCOTT MARQUESS: But or if they want to previously submit it _____
30 (inaudible) then it was not *real* (phonetic) or *among the parties* (phonetic) and so.

31
32 LYNN MOORER: Yeah. So I wondered, now you have agreement?

33
34 SCOTT MARQUESS: Okay, yes we have an agreement –

35
36 LYNN MOORER: Okay.

37
38 SCOTT MARQUESS: Yes, we have a – we *came close to my memo* (phonetic)
39 what I have to do ways. To do what I just described *annual de-artifacts* (phonetic)

40
41 LYNN MOORER: Okay.

42
43 HAROLD KOLB: Will we have input into some of this?

44
45 SCOTT MARQUESS: You will hear about it.

46
47 LYNN MOORER: Well that's different from having input.

48
49 SCOTT MARQUESS: You – there will be a public meeting I *was described*
50 (phonetic) about which in advance you will probably be provided the details of what it is and

1 then at the meeting you'll hear for sure and then at the meeting there will be followed up with a
2 comment period that will – you know be a formal process.

3
4 HAROLD KOLB: Could you bring data _____ (inaudible) this meeting
5 because there's a lot of questions to ask about the samples of certain wells and all this? And
6 nobody seems to know. I mean and you put a lot of stuff on it, some DVDs or something.

7
8 LYNN MOORER: You never yet have provided those lab test results on any of
9 the surface water sampling.

10
11 BILL MCFARLAND: We can provide the data that you're requesting specifically,
12 yes. And right now we have a number of action items to follow up on, on those certain wells.

13
14 HAROLD KOLB: Well that's from several years ago too or several meetings ago,
15 so.

16
17 BILL MCFARLAND: Well we'll follow up on this.

18
19 HAROLD KOLB: Is there any way to get this on the Internet which we've tried to
20 do and it's not that hard to do.

21
22 BILL MCFARLAND: I know in DEQ – we got a website. Mike talked about that.
23 We are close to having our website for the main project up and running. It's not been populated
24 with information. As to what goes on that we can certainly take that into consideration provide
25 the necessary information on that website.

26
27 LYNN MOORER: You haven't yet provided anything that's been requested.

28
29 BILL MCFARLAND: Okay. We need to go on to the next slide because we lost
30 half the population.

31
32 DAVE McREYNOLDS: I just got one quick think here.

33
34 BILL MCFARLAND: Yes sir.

35
36 DAVE McREYNOLDS: I just wanted _____ (inaudible) but Paul said over
37 there. I appreciate your work. I mean I've been talking to Bob Perry down there in Missouri
38 close to six months and this – about his guys that's got the same job as Mike and Scott and we
39 – like Paul says I appreciate you bringing these things up. Looks like you better turn up the
40 heat. That's all I can tell you. I appreciate your work. Ray Terry? Ray Terry? Bob Perry he
41 knows the guys that have the same jobs you do. He lived down there as long as I've lived in
42 Nebraska so he knows the area.

43
44 BILL MCFARLAND: I understand.

45
46 LINDA WAGEMAN: Bill, before you continue – I'm sorry. I've got some things
47 that you need to have and I can give you a choice. I mean I had some questions on the plan.

48
49 BILL MCFARLAND: I'll be happy – we'll be happy to, as we said meet with you
50 informally after ____ (inaudible).
51

1 LINDA WAGEMAN: I don't meet with Regulators outside of a public forum.

2
3 LYNN MOORER: Or the Corps

4
5 LINDA WAGEMAN: Period. So, I guess that answers my question. I'll take that
6 – I'll take my questions regarding your plan to your superiors in Washington since you don't
7 want to deal with them. But what I got here is in regards to extended well testing. I went ahead
8 and I sent off a list of names and there were a couple of folks here in particular that _____
9 (inaudible) stated that they were denied. You know they had denied well testing. Like Willard
10 Jacobs and Doug Anderson and Gerald Divis (phonetic). Okay and arrived here and carry their
11 responses to be now. So I have here a letter that they went ahead and signed off on it and it
12 says: To Whom It May Concern, I hereby provide my permission to the Army Corps of
13 Engineers KS and the EPA to conduct residential well testing on my property. I understand that
14 the purpose behind the well sampling and to test my residential well for possible contaminants
15 derived from the Nebraska Ordinance Plan. Their signature, their print and their dates so here
16 you go.

17
18 LYNN MOORER: And so say the names.

19
20 BILL MCFARLAND: Thank you.

21
22 LINDA WAGEMAN: We got – the names are Willard Jacobs. He's in section 15.
23 He's a stone throw away from the contamination. And then we've got Doug Anderson and
24 Gerald Divis and _____ (phonetic) who previously said no. And he was one of the
25 gentlemen who came to our meetings and freaked out saying I got to get tested, I got to get
26 tested. Evidently he suppose to part of the June sampling event at least according to this doc.
27 So, unfortunately the people that are on the border next to might of _____ (inaudible) but
28 _____ (inaudible). Well at least these people _____.

29
30 BILL MCFARLAND: Okay. Thank you.

31
32 LYNN MOORER: Really the proof though of the pudding will be whether Mr.
33 Felix actually forces the Corps to expand this one mile buffer to include all these at least
34 expansion two miles. So we'll see whether or not DEQ actually does anything about this.

35
36 LINDA WAGEMAN: We'll be watching.

37
38 LYNN MOORER: We've got people who have been asking for this very clearly.

39
40 BILL MCFARLAND: Okay thank you. Before we leave _____ (inaudible)
41 and get through the next slide and a question has been asked about when is the next RAB
42 Meeting. We looked at _____ (inaudible) for early September and we'd like to draw on a
43 couple dates. Some are Tuesdays and some are Thursdays and ask everyone which is better.
44 Tuesday or Thursday? And we can do it on Tuesday, August 30th or Thursday, September 1st
45 or Tuesday the 6th of September or Thursday the 8th. Do you all have a preference? We can
46 identify that.

47
48 MELISSA KONECKY: Not the first Tuesday of the month.

49
50 BILL MCFARLAND: Okay so not the first Tuesday Melissa says so that excludes
51 August 30th. How about that –

1
2 MELISSA KONECKY: No that's not the first.

3
4 FEMALE: Excludes September 6th.

5
6 BILL MCFARLAND: Oh I beg your pardon. That excludes the first Tuesday in
7 September. Correct me. That excludes September 6th so that leads Tuesday, August 30th,
8 Thursday the first and Thursday the 8th. You all may preference.

9
10 LINDA WAGEMAN: When's Labor Day?

11
12 FEMALE: Labor Day is September 5th.

13
14 BILL MCFARLAND: Okay. So we do it – do you want to do it before Labor or
15 after Labor Day? We're excluding the 6th and let's see its still – or do it before or after. The 30th
16 of August, the first of September or the 8th? Do you all have a preference?

17
18 MELISSA KONECKY: What will work?

19
20 LINDA WAGEMAN: How long will it take you to get all the answers to our
21 questions? Do you need more time or are you going to be able to?

22
23 LYNN MOORER: We want actual lab test results.

24
25 BILL MCFARLAND: We took that as an action item. We've got a number of
26 those that I promised you we will get you a response. Get you the information you required
27 within two weeks of tonight. Two weeks after tomorrow – ____ (inaudible) at least let us get
28 back to Kansas City.

29
30 LINDA WAGEMAN: So I will have mine – I will have my monitoring results from
31 those three wells that I have requested that Lisa went ahead and took up as a task from 1993 to
32 current two weeks from tomorrow. Correct?

33
34 BILL MCFARLAND: Lisa, how long will it take to pull that information?

35
36 LISA THOLL: Not long.

37
38 BILL MCFARLAND: Not long at all so that should fall within the two weeks.

39
40 LINDA WAGEMAN: And these are the actual lab results and not just the
41 reports?

42
43 BILL MCFARLAND: Lisa, will you answer that? The actual result tested also?

44
45 LISA THOLL: They have to be pulled from the database that will list everything
46 that was analyzed under the methods. That can be pulled off the database in a timely manner.

47
48 LYNN MOORER: What about actual?

49
50 LISA THOLL: Actually it is a ____ (inaudible) actually lab data packages.
51 That cannot be accomplished ____ (inaudible).

1
2 LINDA WAGEMAN: How long will it take roughly?

3
4 LISA THOLL: It is in Mainly and they use the paper that needs to be *pulled on*
5 *archive* (phonetic) and copied. I think they need a date – I think we can accomplish it.

6
7 LYNN MOORER: They should be able to do it by the – in three months?

8
9 LINDA WAGEMAN: Okay, so this report doesn't have the calculations. So it's
10 not going to say *below action* (phonetic) levels.

11
12 LISA THOLL: Yes it would because it would come off of the database. It will list
13 every single compound that is analyzed by either 8206B or 8330. It would list everything. It
14 would list results and _____ (inaudible). That's straight off the database that we generate all of
15 our reports from.

16
17 LINDA WAGEMAN: The way you say result is going to have a numeric figure
18 there unless it's non-detect.

19
20 LISA THOLL: Yes.

21
22 BILL MCFARLAND: That _____ (inaudible) Lisa could we have that _____
23 (inaudible) in two weeks everyone by the and before the next RAB Meeting?

24
25 LISA THOLL: For a lot of years I pulled lab data *questionable* (phonetic).

26
27 LINDA WAGEMAN: Lisa, at this point I'm willing to go with this report that you're
28 going to extract from the database and I'll review it.

29
30 LISA THOLL: Okay.

31
32 LINDA WAGEMAN: And then from there we'll take it an additional step because
33 I'm sure that there will be – because I can't go to through 14 million years of whatever. What I
34 guarantee we will probably end up pulling that entire thing at some point in time.

35
36 LISA THOLL: I think that this is typical of _____ (inaudible) will give you
37 _____ (inaudible) you like.

38
39 SCOTT MARQUESS: You want to just be sure though that there's not a ND
40 there's a less than *text* (phonetic).

41
42 LINDA WAGEMAN: Right, right.

43
44 BILL MCFARLAND: So we agree to the data and get it out to make available
45 before the next RAB?

46
47 FEMALE: Ah huh.

48
49 LYNN MOORER: That's Linda's request. Now just to reiterate we've had a
50 request here since January 4th that's still never been answered. That's the actual lab test
51 results for the surface water sampling the last quarter of 2004. Everything up to present.

1 Please provide the actual lab test results for surface water. This is something explicitly
2 promised by Mr. McCollum at – on the February 16th meeting in the Senator's office explicitly
3 promised. And you still never provided them.
4

5 BILL MCFARLAND: We've got that as an action item.
6

7 LYNN MOORER: Thank you.
8

9 BILL MCFARLAND: We will again provide the status of that before the next
10 _____ (inaudible).
11

12 SCOTT MARQUESS: Lab results for a surface water or?
13

14 LYNN MOORER: All, all the sampling in the last quarter whatever they were.
15 September, even he said it was Johnson Creek in September.
16

17 MALE: Or September 12th?
18

19 LYNN MOORER: Yeah. Anything last quarter to present.
20

21 BILL MCFARLAND: Okay. We'll take that as an action item and we'll get you
22 that status quo.
23

24 LYNN MOORER: Now the other thing is there's about 200 questions from
25 previous meetings to this point, a back log that have been asked each time. Would you please
26 answer those? Actually review your videotapes. Actual review it.
27

28 BILL MCFARLAND: We have reviewed the videotapes. Okay? I'm going to
29 point – ask you right now if you can remember 200 questions that I asked you _____
30 (inaudible).
31

32 FEMALE: When you review them then you write them down and then you write
33 down answers.
34

35 MELISSA KONECKY: We've written down a bunch. I mean –
36

37 LYNN MOORER: You said you took – you've got the videotapes to capture all
38 these questions. You guys do the work. That is another something that the RAB guys explicitly
39 said the Corp's responsibility to provide adequate administration support to these meetings.
40

41 BILL MCFARLAND: At this point and time if you can give me those I would be
42 happy to work with you. And those 200 questions and make sure that we have the right
43 questions we have to give you an answer.
44

45 MALE: They've been given to you sir. They're on videotape.
46

47 LINDA WAGEMAN: He lost the questions.
48

49 MALE: Are you hard hearing?
50

1 HAROLD KOLB They're on the – you've got a screen over there where you
2 typed them in and put them in your computer.

3
4 MALE: You have a _____ (inaudible).

5
6 LYNN MOORER: I noticed that even half of what was typed in at the *toll free*
7 (phonetic) number that you managed to collect at the last meeting you didn't even answer. I
8 mean so what you came up with and sent to Melissa two weeks after that last meeting didn't
9 even reflect what was actually asked.

10
11 BILL MCFARLAND: I would be happy to sit down personally with Melissa to
12 review the tapes and make sure that we're in agreement –

13
14 LYNN MOORER: Melissa doesn't need to waste her time doing that. That's
15 your job and you explicitly promised you would do it.

16
17 BILL MCFARLAND: Well we're once again losing more individuals. I would like
18 to come on – see if we could come to a consensus as to one when the next RAB Meeting is
19 before we lose enough people. We proposed three dates.

20
21 MELISSA KONECKY: Can we just stay the 30th? Will that work?

22
23 LINDA WAGEMAN: Well whenever.

24
25 BILL MCFARLAND: The 30th?

26
27 FEMALE: Yeah.

28
29 BILL MCFARLAND: The 30th of August is noted. Is 7:00 a good time to start?

30
31 LINDA WAGEMAN: That's great.

32
33 MELISSA KONECKY: Yeah.

34
35 LINDA WAGEMAN: So you mean to tell me my questions are not going to be
36 answered? We're going to have to – where's McCollum?

37
38 BILL MCFARLAND: _____ (inaudible) McCollum is retired.

39
40 LYNN MOORER: He explicitly promised answers to everything. Remember?

41
42 MELISSA KONECKY: Yeah he did.

43
44 LYNN MOORER: How fleetly (phonetic) he promised those?

45
46 FEMALE: Yeah.

47
48 LINDA WAGEMAN: Well at least he's not in _____ (inaudible) with it. So,
49 okay so he retired and because McCollum (phonetic) is no one _____ (inaudible) in this
50 organization. We're going to have to go back to square one.

1 FEMALE: He promised _____ (inaudible) that.
2
3 LINDA WAGEMAN: Okay, who here wants to take some responsibility for 200
4 and some odd plus questions and I've got it on tape that we got listed out.
5
6 FEMALE: We've got it all. You guys do the work by God. You've got dozens of
7 people who come to these meetings and you sit here and don't even pay attention.
8
9 LINDA WAGEMAN: I don't understand. We're not starting from square one you
10 guys.
11
12 LYNN MOORER: We're not going to do your work for you.
13
14 LINDA WAGEMAN: You're going to be held accountable and responsible for
15 your business practices. So step up to the plate. You promised me. You were here in the
16 beginning. Stand and deliver.
17
18 STEVE IVERSON: I understand. _____ (inaudible) now.
19
20 LINDA WAGEMAN: Where are McCollum's files?
21
22 STEVE IVERSON: I'm Johnny-come-lately _____ (inaudible). Okay? So,
23 bear with me. But how I understand these questions and then I respond after that, that all
24 responses to the questions – they have gone back and you've accumulated questions. They
25 have gone back and with your tapes they feel – okay they feel like they have answered all the
26 questions and responded to them. Now –
27
28 LINDA WAGEMAN: Okay. I'm stopping. No. I'm stopping you right here. First
29 of all the time they taped the session they ran out of tape and ask my husband who's also a
30 member of your RAB for a copy of that tape. We didn't provide it. So no in and of itself it's not
31 complete. The next time round okay? We stopped. You guys stopped typing these questions
32 which is on somebody's lap top saved.
33
34 FEMALE: Okay.
35
36 LINDA WAGEMAN: Saved up and on someone's lap top. A little gal with blonde
37 hair but it wasn't Mary. And was copying all the stuff down okay? And out of all those questions
38 maybe only 15 of those questions were answered in red and not suitably. They did not address
39 the issue. So no.
40
41 LYNN MOORER: Most of them did not capture the real question.
42
43 LINDA WAGEMAN: No they were.
44
45 FEMALE: Were they complete?
46
47 STEVE IVERSON: I can tell you what's going on now when you can – you could
48 have sat down with everybody they're like we don't even know what the rest of the questions
49 are. I think we got all the questions here. So, you know, my proposal at that point was look –
50

1 LYNN MOORER: Then you guys don't understand the English language. I
2 mean just view the videotape. The list that you compiled does not match the words that came
3 out of people's mouths.

4
5 LINDA WAGEMAN: I'm sorry _____ (inaudible).
6

7 LYNN MOORER: The minutes that you ginned up here do not even reflect the
8 *scent* (phonetic) what was actually said. Obviously somebody ginned up Steve –
9

10 FEMALE: Would you stop?
11

12 LYNN MOORER: -- which is intended to make the Corps look good but it does
13 not reflect what actually was said at that meeting.
14

15 LINDA WAGEMAN: See, case and point Steve. If this were not a governmental
16 agency if this were business okay and this were my project that I was responsible for managing
17 to what I have over 15 years of experience in doing international _____. So I'm not speaking
18 out of my ass here. I would not accept this period. Now I know that part of what you want to do
19 is be able to provide comfort level will not trying to get Mayor *Founding* (phonetic) nailed down
20 because there's that what if factor. And you're very careful and cautious of the what if factor. I
21 understand that. I don't agree with it and I think that too can be handled and managed but not
22 in the present way in which you guys are managing this project. You guys, you give us financial
23 figures and tell us how much money you spent but it doesn't jive. Your data doesn't jive. When
24 I asked for the financials I took that information. I analyzed it up against the summary. It didn't
25 jive. I can't get answers from you. I sent it to Washington D.C. and I'm hoping Lieutenant
26 General what's his name.
27

28 LYNN MOORER: Straut (phonetic).
29

30 LINDA WAGEMAN: Thank you. Would – with the people on Super Fund Site
31 and the Senators in Capital Hill responsible for environmental issues will be able to provide me
32 some answers? Why? Because you're not. Now that is ridiculous. I do not think nor do I
33 believe that I should ever have to escalate issues. Nor do I ever do I believe that I should ever
34 have to repeat myself. I don't like repeating myself. I do not like being disrespectful. I do not
35 like raising my voice and I'll be honest with you I am not used to such a lack of respect. I'm not.
36 I'm not used to employees, as to what all of you are to me. Not giving me what I deserve. And
37 I'm not used to seeing a project so incredibly mismanaged. It freaks out a control freaks such
38 as myself. You talk about how you spent, what, \$64 million dollars in x amount of years. My
39 projects were \$24 million dollars in one year. And I had a 95 to 97% SL _____ (inaudible)
40 every single quarter for two and a half years. Why can't you do that? My people didn't have
41 numbers or big monstrous degrees. They didn't have the available resources. They were at the
42 mercy of other companies including *they couldn't* (phonetic) go to other people within their
43 division for assistance. They had to deal and rely with contractors and everything else and to
44 everything there was a cost. And you guys can't do this. Now I've gotten McFarland over here
45 who sends out meeting minutes from the last RAB and I have to turn around and send him an e-
46 mail saying hey, you what, you're tape and my tape are obviously two different things because
47 based on *minutes* which the last RAB it wasn't the meeting I attended. Half of my questions "a
48 resident" my name is Linda Wageman for the record, were not even written down properly. You
49 have – all you have to do is review the damn tape And if you guys have difficulty with that let
50 me know. And if you guys are having trouble managing this project and you need assistance let
51 me know because I've got MUD that's going to be building their God Damn well field a mile

1 away from my house and I've got children that are going to end up glowing in the dark. I've got
2 DEQ refusing to accept responsibility for anything. And the Corps who can't even test surface
3 water since 1997 and then turn around and say oh yeah we're doing it but it takes, it takes
4 people to scream. This is what we had to do for almost two years to get anything done. And
5 I'm tired.

6
7 LYNN MOORER: And you have poor people and they're smirking yeah, all this
8 is going on.

9
10 LINDA WAGEMAN: Yeah I'm tired. I have spent tens of thousands of dollars of
11 my own money in research. Hell I could have put in two monitoring wells for that and could
12 have had them tested. But you can't justify them. I've got the EPA who's supposed to be your
13 boss who's too busy commenting on whatever it is you have decided not to do this week. So, if
14 you are in fact the man now because you're not the punch point man.

15
16 FEMALE: He keeps moving.

17
18 LINDA WAGEMAN: You're going to be either retiring or building bridges with Ed
19 or heaven only knows what in a short amount of time if you don't start giving us what we want.
20 If you're the punch point man at this point by next RAB A) I want to see all of those questions
21 listed out. I want you to find those questions. You don't necessarily have to answer them yet
22 but you sure as hell better pull them out of the rectal library because I'll expect to see them.
23 Secondly, if we have another format like we had this time that was disgraceful because even I
24 forgot half the questions I wanted to ask. Thirdly, you are a poor manager because you are
25 allowing the residents to take questions regarding your plan, your finances and your budget to
26 your superior's superior in Washington D.C. because you don't want to deal with it and because
27 you want to stop the meeting so you may have an element of control. Sir that is a bad business
28 management practice. And if I were Rossi I'd be all of you like white on rice for that alone. So
29 you need to stop the ego, decrease the testosterone level, come in here humbly and give the
30 people what they want. We're not asking for the world. Believe it or not our job is to protect the
31 plumes too. Believe it or not we're actually on the same damn side.

32
33 LYNN MOORER: Well I'm not sure about that.

34
35 LINDA WAGEMAN: But somewhere you guys have decided that we're the
36 enemy and that we are not worth Jack. We're not worth the *true that's true* (phonetic).

37
38 LYNN MOORER: _____ (inaudible) tell us about – tell the truth.

39
40 LINDA WAGEMAN: We're not worth protecting. You take maximum levels or
41 health levels 2.0 well this is 1.8. Oh it's not worth it. We'll test them again. 37 wells came up
42 non-detect. That's bull shit. Four were tested detect. One of them north of the plume. We'll
43 keep an eye on it. But no you're going to take it to the press and you're going to pontificate on
44 how – what a wonderful job you did. You lied. This is a joke. You allow MUD to use 1997
45 maps for their current groundwater testing when you have current maps. You have newer
46 maps. They specifically asked you for it. I've got the e-mail. I've got the evidence. At the very
47 least you could have given them the 2002 URS information. You chose not to. Why? Lazy?
48 Why? Not much of a difference? Why is that? In every other area of the plume with the
49 exception of the east which really isn't tested nor is it the monitoring wells. Uh huh. They were
50 hardly ever tested. Very seldom. And the ones that are tested and the sampling events are
51 redundant. I want to know who's going to manage this project.

1
2 LYNN MOORER: Are you getting all these questions down? She's
3 _____ (inaudible).
4

5 LINDA WAGEMAN: I want to know who is going to manage this project. If it's
6 you, you and I are going to go toe to toe and what I saw tonight ain't going to fly because I'll go
7 over your head faster than you can shake a stick and it's not going to be Rossi because I've put
8 him the same type range you are. I mean what do I have to do?
9

10 FEMALE: Okay.
11

12 LINDA WAGEMAN: I mean do I need to get a Judge Advocate to come in?
13 What do I need to do?
14

15 STEVE IVERSON: First of all _____ (inaudible) to respond under these
16 circumstances. I mean for at least for me personally.
17

18 FEMALE: Right.
19

20 STEVE IVERSON: It is uncomfortable at least for me. I don't know about for
21 anybody else. But I came up here today to try to understand what's going on. I do have a
22 better understanding at least at the level of frustration and I do agree there were a number of
23 questions that we are unable to answer and that can be very frustrating. It's certainly frustrating
24 for me to sit back. And I think we really have to do a much better job in preparation for these
25 meetings. That's obvious. Now this is where we are.
26

27 LINDA WAGEMAN: I've got the same thing said. I kid you not it's almost a
28 quote from McCollum two RABs ago.
29

30 LYNN MOORER: Yeah. You guys have a script you use?
31

32 LINDA WAGEMAN: I kid you not.
33

34 STEVE IVERSON: No.
35

36 LINDA WAGEMAN: It's on tape and then he came in on his first RAB after he
37 took it from Mary, took it away from Mary and then tried to do the whole control thing just like
38 what's his name they're trying to do over here and it back fired on him. I mean it did it blew up
39 in his face.
40

41 FEMALE: You guys are supposed to be protecting us. This really, really bothers
42 me because I can't under –
43

44 [Blank in audio recording]
45

46 LINDA WAGEMAN: -- be because you're not doing your job and something tells
47 me you were told not to. You don't seem to be the type of gal that would purposefully let
48 something go.
49

50 FEMALE: You don't know.
51

1 LINDA WAGEMAN: I don't know why this is being so heavily mismanaged but
2 I'm going to get to the bottom of it. Now do you _____ (inaudible) have to go because of it or
3 what?
4

5 MELISSA KONECKY: There really are some huge budget discrepancies.
6

7 LINDA WAGEMAN: Millions of dollars. Millions and millions of dollars.
8

9 FEMALE: Why are you doing this _____ (inaudible)?
10

11 LINDA WAGEMAN: So since you won't answer to me we're hoping that you'll
12 answer to the Super Fund *committee*..
13

14 LYNN MOORER: It obviously raises questions fraud and abuse. I mean these
15 are huge budget differences. What you put up for the summary information absolutely does not
16 match what you come up with in spreadsheets.
17

18 MELISSAKONECKY: It really doesn't.
19

20 FEMALE: No it doesn't.
21

22 LINDA WAGEMAN: The spreadsheet that the DEQ – the Power Point
23 presentation that the DEQ provided was nothing short of a joke. To me it appalled – it insults
24 me that you failed to even allow a Power Point presentation to come into this RAB like that.
25 Even you Scott you know it's not – that was a disgrace. I mean the docs that he's talking about
26 I've got right here. I'm holding right here. I know where he stands. I've got his e-mails. I got –
27 hell I've got – yeah I've got them. I know where they stand. I know who they've talked to. I
28 know why they feel the same way but the problem is, is State Senators don't feel the same way
29 as the DEQ does. There are State Senators out there that want everyone to uphold the law.
30 They actually believe in the law but the DEQ says that they're not responsible for. So who's
31 right? And if they're supposed to be helping to manage you and support you on this project. Do
32 you see where we're at? The EPA all they're ever going to do is comment on something and
33 then they're going to bully them and then they're going to comment again and then they're going
34 to say no it's not part of the RAB.
35

36 MALE: Always think its _____ (inaudible) bullying us.
37

38 LINDA WAGEMAN: And then it's going to go on and on and on and on. So what
39 do I need to do go to his superior? Did that already. And if he hasn't already heard he will
40 soon.
41

42 SCOTT MARQUESS: Haven't heard.
43

44 FEMALE: Okay.
45

46 NANCY MEYER: I would really like all you guys to drink our water. I really
47 would.
48

49 MALE: No out of the plume.
50

51 LINDA WAGEMAN: Well –

1
2 MALE: That's it could get serious.

3
4 NANCY MEYER: -- seriously, if it's okay you guys drink it on a daily basis and
5 *feed* (phonetic) your kids. Please.

6
7 LINDA WAGEMAN: Any of you *MUD rate payers* (phonetic) are going to paying
8 for your mistakes. Any of you *rate payers* (phonetic). My home in Omaha, when I pay my bill
9 I'm going to be paying for it. I've already been paying for the well bills since 1995 with my home
10 in Omaha. Okay? And when they have to do stuff like defend themselves in court or try to
11 defend then they always hike the rates. The Board, the MUD Board believe it or not finally
12 decided not to approve a 22¢ increase in rates because of their well field. Thank God. This is
13 very expensive for the people and it's going to be even more expensive if you screw up and
14 there are so many eyes watching you right now from all over the country it's not even *funny*
15 (phonetic). We're just the locals but our tapes are all over the country.

16
17 MELISSA KONECKY: This is an approximate \$9 million budget discrepancy
18 between your spreadsheets and between what Mr. McCollum had provided me.

19
20 LINDA WAGEMAN: Don't you think that's a lot of money?

21
22 MELISSA: Or Mr. McFarland, I'm sorry.

23
24 FEMALE: Yeah.

25
26 MELISSA KONECKY: I mean it's --

27
28 LINDA WAGEMAN: Don't give it to him let him get it from his superiors.

29
30 MELISSA KONECKY: Well I mean he -- you've seen _____ (inaudible). I
31 mean.

32
33 LYNN MOORER: Yeah you should just add it up yourself. Just compare what
34 you told the public at the February meeting on all your numbers and the summary information --

35
36 MALE: All of you just said a budget of all the *works* (phonetic).

37
38 LYNN MOORER: -- and compare it to the spreadsheet information that Natalae
39 Tillman handed out and you'll see this stuff doesn't add up. I mean --

40
41 STEVE IVERSON: What is --?

42
43 LYNN MOORER: Okay her *medial* (phonetic) design for OU2 the summary said
44 your total was \$6.1 million dollars but the spreadsheet only comes up with \$2.8 million dollars.
45 A huge difference. The same way RIFS for OU2.

46
47 STEVE IVERSON: What is it?

48
49 LYNN MOORER: Summary, \$15.6 million --

50
51 LINDA WAGEMAN: I prefer that we do not discuss this any further.

1 LYNN MOORER: -- that's what you tell us. Spreadsheet \$9.2 million.
2
3
4 STEVE IVERSON: So what is it?
5
6 MELISSA KONECKY: Even _____ (inaudible).
7
8 LINDA WAGEMAN: You know the problem is, is that –
9
10 LYNN MOORER: Why do you _____ (inaudible) information? What's going
11 on?
12
13 LINDA WAGEMAN: We can't get the information.
14
15 STEVE IVERSON: Well I think it's probably – my opinion it's probably just like
16 the letters that came out of the EPA. I'm thinking that he's trying to give you bad budget
17 information.
18
19 LYNN MOORER: You're just incompetent.
20
21 LINDA WAGEMAN: Yeah you're telling us you're really incompetent? That's
22 really discouraging.
23
24 MALE: I would put it onto confidence before I would put it on willful – you know –
25
26 LYNN MOORER: That's not good enough. I'll tell you what you've got a long
27 pattern and practice here of providing false information, providing incomplete information,
28 providing misleading information and also then just plain not providing what's explicitly
29 promised.
30
31 FEMALE: See Bill this is just not _____ (inaudible).
32
33 LINDA WAGEMAN: This is the information that I'm going to take to Washington
34 because you did not want to answer the question and the Project Manager's meeting dated the
35 10th of March of this year you were discussing the plan. And Bill said there's going to more
36 detail available at the end of March '05. Ask – that's – yeah I kid you not. It's in – you go into
37 your Project Manager Meetings for the 10th of March and its there. Then Jason turns around
38 and says – can provide dates for 2005 but not further out. People wanted dates beyond 2005.
39 Jason said that the Corps can't do that because there's no way to identify all the activities that
40 should be scheduled.
41
42 LYNN MOORER: Well actually –
43
44 LINDA WAGEMAN: This is how the Corps is managing this project. So here's
45 my question, how do you successfully budget when you don't know what you're going to be
46 doing? And further more, how do you justify your ideas to Washington or the State or the EPA?
47 How do you successfully set your priorities? You're not even willing to write it down. You have
48 no working project plan. You rely on a ROD. A ROD isn't a working project plan. It's not.
49 There are no deliverables. There are no dates. It's not – you can't modify it. There are no
50 critical paths. There are no dependencies. There's none of that. And I bet you that the way
51 you're managing this project is unlike other Super Funds out there. I've been able to receive

1 plans from other Super Funds without any problem whatsoever. Like the one _____
2 (inaudible) my only little Super Fund I just can't get my hands on it because you guys can't get
3 your act together. So what does that mean? It's a Corps problem? Or it's a management
4 issue? It's a management issue. If other people can do it but you guys can't there's a
5 management issue. I mean – and now you want me to take this to Washington because you
6 wanted the meeting to end. Is that cool Bill? Is that what you want Bill?

7
8 LYNN MOORER: I should point out you know you guys do not have any type of
9 authority to unilaterally try to impose operating procedures on any *RAB*.

10
11 LINDA WAGEMAN: Okay but first I told Bill to answer my question.

12
13 BILL MCFARLAND: Do I want you to go to Washington D.C.? That is your
14 prerogative as a U.S. Citizen. I would, my first choice my personal choice would be to work with
15 you and other members of the community to resolve our differences.

16
17 LINDA WAGEMAN: Prove it.

18
19 BILL MCFARLAND: Answer your questions. That would be my preferences.

20
21 LINDA WAGEMAN: What are you willing to do so that I don't – because you're
22 already going to have a lot – a hell of a lot to answer to? You're going to have to pull all of that
23 financial data and justify it elsewhere I guarantee it. And it was sent off so that Lieutenant
24 Colonel so and so would have to sign for it himself. A lackey can't even sign for it. He's going
25 to have to sign for it. How's Rossi going to feel when it comes down to him? I'm not playing
26 games and you know what? I haven't even started yet. I have a project plan for this. I have my
27 dependencies. I have my critical paths. I have my milestones laid out. I have deadlines for
28 everything. I haven't even started yet. I suspect that this thing will take approximately four and
29 half years to completion to my resolve. Four and a half years mapped out. Now why can't you
30 do something about this meeting? And I don't know what I'm going to be arguing next year and
31 I don't even know what's going to be on your budget next year. But somehow I can pull up a
32 plan out of my ass.

33
34 MELISSA KONECKY: Depends on what's in the budget _____ (inaudible).

35
36 LINDA WAGEMAN: Well they don't.

37
38 MELISSA KONECKY: I mean we don't know but see someone does.

39
40 LINDA WAGEMAN: No one knows Melissa because they don't know what
41 they're going to do. They can't define their funding. They can't justify what they want so they're
42 not getting the funding that they possibly could get from Washington. And we could probably
43 help them get more money if they could get their act together. But they have made a choice not
44 to. They've made that choice.

45
46 NANCY MEYER: The local citizens are your biggest asset believe it or not. You
47 guys are just turning your backs. It's really sad. You could be doing a really good job

48
49 LINDA WAGEMAN: when MUD comes and when MUD moves your plume. And
50 this surface water little issue that DEQ doesn't want to deal with ends up in the water, the
51 aquifer. You're not going to be aide. You're going to have the hardest time on the planet trying

1 to control it. Why? Because you can't control Monitoring Well 85. You can't control the
2 southern part of the plume. You do not know where the contamination is. You don't. I know it.
3 I've got the docs to prove it. Same with the Load Line 1. Why is this a priority for you now?
4 You sat on it for two years. I remember sitting here when you were going to discuss turning on
5 EW11. That's how long I've been coming to these meetings. So Mr. Bill, deliver or get the hell
6 out because I am all over you like white on rice and if you think for one minute that you can win
7 against me you are sadly mistaken.
8

9 FEMALE: What is _____ (inaudible) *first need* (phonetic) information?
10

11 BILL McFARLAND: I'd like to thank everyone for _____ (inaudible)
12 participating. Thank you.
13

14 [Tape ended]
15